

**Township of Berkeley Heights
Union County, New Jersey
August 9, 2016**

~~~~~

Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 1, 2016. This meeting will not substantially go past 10:30 p.m.

**COUNCIL MEMBERS:**

Michael D'Aquila  
Edward Delia  
Marc Faecher  
Jeanne Kingsley- President  
Craig Pastore - Vice President  
Thomas Pirone  
Robert Woodruff- Mayor

**AGENDA FOR PUBLIC MEETING**

**I. CALL TO ORDER - 7:00 PM**

**II. ROLL CALL**

**III. FLAG SALUTE**

**IV. CONFERENCE SESSION**

**V. REGULAR AGENDA**

**VI. TOWNSHIP COUNCIL REPORTS**

- A. Michael D'Aquila**
- B. Edward Delia**
- C. Marc Faecher**
- D. Jeanne Kingsley**
- E. Craig Pastore**
- F. Thomas Pirone**

## **VII. ADMINISTRATION REPORTS**

**Mayor Woodruff**

**Township Administrator – John Bussiculo**

## **VIII. APPROVAL OF MINUTES –**

**Public Meeting –July 26, 2016**

**Executive Session – April 7, 2015, April 14, 2015**

## **IX. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

## **X. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON JULY 26, 2016**

**“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”**

## **XI .NEW BUSINESS- RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

### **A. RESOLUTIONS**

1. Resolution approving Bill List dated August 9, 2016 in the amount of \$563,005.89.
2. Resolution Supporting the Fairness Formula Equal School Funding and Property Tax Relief.
3. Resolution endorsing the submission of the Year 2015 Recycling Tonnage Grant application by Robert Bocchino, Township Engineer.

**4. CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution removing William Reis from the Active Roster of the Berkeley Heights Volunteer Fire Department.

- b. Resolution authorizing a redemption of Tax Sale Certificate #12-00001 to FWDSL & Associates LP for Block #301.08, Lot #12, located at 23 Wren Court in the amount of \$26,008.20.
- c. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:  
 Louis and Lynn M. Diakogiannakis                      130 Timber Drive                      \$466.80
- d. Resolution authorizing a block party on Ridge Drive, on September 10, 2016 from 12:00 p.m.–11:00 p.m. with a rain date of September 17, 2016.
- e. Resolution authorizing a block party on September 11, 2016 from 1:00 – 8:00 p.m. at the corner of Countryside Drive and Crest Drive.

## **XII. INTRODUCTION OF ORDINANCE:**

**Public Hearing and Final Adoption scheduled for September 20, 2016:**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law. “**

## **XIII. CITIZENS HEARING - 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

## **XIV.EXECUTIVE SESSION –**

- 1. Attorney - Client Privilege / Litigation - Affordable Housing
- 2. Attorney - Client Privilege / Contract Negotiations – Little Flower Church
- 3. Attorney - Client Privilege / Litigation - Victor Mondelli v. Twp. Of Berkeley Heights, et al.
- 4. Attorney – Client Privilege/ Contract Negotiations - Connell

## **XV. ADJOURNMENT**

**Ana Minkoff  
Township Clerk**

**Mayor's Correspondence**  
**July 2016**

1. **Woodbridge Township Mayor** – invitation to NJ Senior Olympic games
  2. **NJLM** – June 2016 legislative bulletin
  3. **UC Dept of Human Services Division on Aging and Disability Resource Connection** – The Service Network Bulletin
  4. **UC Transportation Advisory Board** – agenda for next meeting
  5. **NJDOT** – executed Agreement for Lawrence Drive 2016 Municipal Aid Program
  6. **NJCM** – postcard about NJCM Fall Business Council Economic Development Forum and Golf Classic
  7. **Michael Russo NJDOT** – letter advising that replenishment of Transportation Trust Fund Account has been delayed and Christie ordered shutdown of ongoing work
  8. **JCPL** – letter about installation of temporary decorative lighting and requirements for using photoelectric controls. Cc:Bocchino/Niosi
  9. **PSEG** – letter about proposed reduction of residential bills, infrastructure upgrades etc.
  10. **NJDEP** – Letter related to Wetland Delineation Plan for BH Municipal Complex
  11. **The Rotarian** – August Issue
  12. **Essex County Freeholders** – invitation to mortgage assistance workshop
  13. **YWCA** – Invitation to 2016 Empowering Women Cocktail Reception
  14. **JCPL** – bi-annual letter asking if municipality wants notification in the event a residential account has been discontinued
- 15

## **TOWNSHIP COUNCIL CORRESPONDENCE**

**July 2016**

1. Correspondence received on July 1st from the Borough of Watchung referencing an introduced Ordinance regarding the "QU" Quarry Zone (to amend the Code of the Borough of Watchung and to make associated amendments to the Land Development Ordinance;)
2. Correspondence received on July 11th from Mr. Michael Russo, Director, Local Aid and Economic Development, New Jersey Department of Transportation, regarding notification that the replenishment of the Transportation Trust Fund Account has been delayed;
3. Correspondence from the Union County Board of Taxation, received July 13<sup>th</sup>, regarding Certification Schedule of the General Tax Rate for Year 2016;
4. Correspondence (Permit only) from the NJ Department of Environmental Protection, received July 12<sup>th</sup>, regarding a permit which authorizes the replacement of the existing Mountain Avenue Culvert over an unnamed tributary to the Passaic River.

**BOND ORDINANCE PROVIDING FOR VARIOUS  
CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF  
BERKELEY HEIGHTS, IN THE COUNTY OF UNION,  
NEW JERSEY, APPROPRIATING THE AGGREGATE  
AMOUNT OF \$1,114,300 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS  
OR NOTES OF THE TOWNSHIP TO FINANCE PART OF  
THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-  
thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance  
are hereby respectively authorized to be undertaken by the Township of Berkeley Heights, in the  
County of Union, New Jersey (the "Township") as general improvements. For the several  
improvements or purposes described in Section 3, there are hereby appropriated the respective  
sums of money therein stated as the appropriation made for each improvement or purpose, such  
sums amounting in the aggregate to \$1,114,300 and further including the aggregate sum of  
\$56,300 as the several down payments for the improvements or purposes required by the Local  
Bond Law. The down payments have been made available by virtue of provision for down  
payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not  
covered by application of the several down payments, negotiable bonds are hereby authorized to  
be issued in the principal amount of \$1,058,000 pursuant to the Local Bond Law. In anticipation

of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| <u>Purpose</u>                                                                                                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| a) The acquisition of various police department equipment, including, but not limited to, breathalyzer equipment, including all related costs and expenditures incidental thereto.                                                                                                  | \$25,000                                        | \$23,750                                                      | 5 years                         |
| b) The acquisition of various public works equipment, including, but not limited to, a stainless steel stand-alone, a broom/pusher for street sweeper, and a mower with plow and blower attachments, including all related costs and expenditures incidental thereto.               | \$60,000                                        | \$56,950                                                      | 15 years                        |
| c) The acquisition of various fire department equipment, including, but not limited to, turnout gear, hose, air packs and cylinders, pagers, a thermal imaging camera, portable radios, and a gas detection meter, including all related costs and expenditures incidental thereto. | \$115,300                                       | \$109,000                                                     | 5 years                         |

| <u>Purpose</u>                                                                                                                                                                                                                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| d) The acquisition of various wastewater treatment equipment, including, but not limited to, confined space safety equipment, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                      | \$40,000                                        | \$38,000                                                      | 15 years                        |
| e) Improvements to the wastewater treatment plant systems and facilities, including, but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, grinders, intermediate pumps, and electrical system improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | \$423,000                                       | \$401,850                                                     | 40 years                        |
| f) Improvements to the fire department systems and facilities, including, but not limited to, heating/ventilation system improvements and ceiling improvements, all work and materials necessary therefor and incidental thereto.                                                                                                                                                                   | \$150,000                                       | \$142,500                                                     | 15 years                        |
| g) Acquisition of various police department vehicles, including, but not limited to, sport utility vehicles and related equipment, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                 | \$125,000                                       | \$118,750                                                     | 5 years                         |
| h) Acquisition of various public works vehicles, including, but not limited to, a hook truck and mason dump, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                                       | \$135,000                                       | \$128,250                                                     | 5 years                         |



| <u>Purpose</u>                                                                                                                                                                                  | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| i) Acquisition of various wastewater treatment plant vehicles, including, but not limited to, a utility body truck with hoist, including all related costs and expenditures incidental thereto. | \$41,000                                        | \$38,950                                                      | 5 years                         |
| TOTALS                                                                                                                                                                                          | <u>\$1,114,300</u>                              | <u>\$1,058,000</u>                                            |                                 |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this

ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 20.53 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of

the bonds and notes provided in this bond ordinance by \$1,058,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond

counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Woodruff, Mayor

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff, Township Clerk

## NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on July 26, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, Berkeley Heights, New Jersey in the Township on August 9, 2016 at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

### Purposes:

| <u>Purpose</u>                                                                                                                                                                                                                                                        | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| a) The acquisition of various police department equipment, including, but not limited to, breathalyzer equipment, including all related costs and expenditures incidental thereto.                                                                                    | \$25,000                                        | \$23,750                                                      | 5 years                         |
| b) The acquisition of various public works equipment, including, but not limited to, a stainless steel stand-alone, a broom/pusher for street sweeper, and a mower with plow and blower attachments, including all related costs and expenditures incidental thereto. | \$60,000                                        | \$56,950                                                      | 15 years                        |

| <u>Purpose</u>                                                                                                                                                                                                                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| c) The acquisition of various fire department equipment, including, but not limited to, turnout gear, hose, air packs and cylinders, pagers, a thermal imaging camera, portable radios, and a gas detection meter, including all related costs and expenditures incidental thereto.                                                                                                                 | \$115,300                                       | \$109,000                                                     | 5 years                         |
| d) The acquisition of various wastewater treatment equipment, including, but not limited to, confined space safety equipment, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                      | \$40,000                                        | \$38,000                                                      | 15 years                        |
| e) Improvements to the wastewater treatment plant systems and facilities, including, but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, grinders, intermediate pumps, and electrical system improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | \$423,000                                       | \$401,850                                                     | 40 years                        |
| f) Improvements to the fire department systems and facilities, including, but not limited to, heating/ventilation system improvements and ceiling improvements, all work and materials necessary therefor and incidental thereto.                                                                                                                                                                   | \$150,000                                       | \$142,500                                                     | 15 years                        |

| <u>Purpose</u>                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| g) Acquisition of various police department vehicles, including, but not limited to, sport utility vehicles and related equipment, including all related costs and expenditures incidental thereto. | \$125,000                                       | \$118,750                                                     | 5 years                         |
| h) Acquisition of various public works vehicles, including, but not limited to, a hook truck and mason dump, including all related costs and expenditures incidental thereto.                       | \$135,000                                       | \$128,250                                                     | 5 years                         |
| i) Acquisition of various wastewater treatment plant vehicles, including, but not limited to, a utility body truck with hoist, including all related costs and expenditures incidental thereto.     | \$41,000                                        | \$38,950                                                      | 5 years                         |
| TOTALS                                                                                                                                                                                              | <u>\$1,114,300</u>                              | <u>\$1,058,000</u>                                            |                                 |

Appropriation: \$1,114,300

Bonds/Notes Authorized: \$1,058,000

Grant Appropriated: N/A

Section 20 Costs: \$50,000

Useful Life: 20.53 years

Ana Minkoff, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

| ROLL CALL      | AYE | NAY | ABSTAIN | ABSENT |
|----------------|-----|-----|---------|--------|
| D'AQUILA       | ✓   |     |         |        |
| DELIA          |     | ✓   |         |        |
| FAECHER        | ✓   |     |         |        |
| KINGSLEY       |     |     |         |        |
| PASTORE        |     |     |         | ✓      |
| PIRONE         | ✓   |     |         |        |
| TIE:           |     |     |         |        |
| MAYOR WOODRUFF |     |     |         |        |

## BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on **August 9, 2016**, and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

**Purposes:**

| <u>Purpose</u>                                                                                                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| a) The acquisition of various police department equipment, including, but not limited to, breathalyzer equipment, including all related costs and expenditures incidental thereto.                                                                                                  | \$25,000                                        | \$23,750                                                      | 5 years                         |
| b) The acquisition of various public works equipment, including, but not limited to, a stainless steel stand-alone, a broom/pusher for street sweeper, and a mower with plow and blower attachments, including all related costs and expenditures incidental thereto.               | \$60,000                                        | \$56,950                                                      | 15 years                        |
| c) The acquisition of various fire department equipment, including, but not limited to, turnout gear, hose, air packs and cylinders, pagers, a thermal imaging camera, portable radios, and a gas detection meter, including all related costs and expenditures incidental thereto. | \$115,300                                       | \$109,000                                                     | 5 years                         |



| <u>Purpose</u>                                                                                                                                                                                                                                                                                                                                                                                      | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| d) The acquisition of various wastewater treatment equipment, including, but not limited to, confined space safety equipment, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                      | \$40,000                                        | \$38,000                                                      | 15 years                        |
| e) Improvements to the wastewater treatment plant systems and facilities, including, but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, grinders, intermediate pumps, and electrical system improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | \$423,000                                       | \$401,850                                                     | 40 years                        |
| f) Improvements to the fire department systems and facilities, including, but not limited to, heating/ventilation system improvements and ceiling improvements, all work and materials necessary therefor and incidental thereto.                                                                                                                                                                   | \$150,000                                       | \$142,500                                                     | 15 years                        |
| g) Acquisition of various police department vehicles, including, but not limited to, sport utility vehicles and related equipment, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                 | \$125,000                                       | \$118,750                                                     | 5 years                         |
| h) Acquisition of various public works vehicles, including, but not limited to, a hook truck and mason dump, including all related costs and expenditures incidental thereto.                                                                                                                                                                                                                       | \$135,000                                       | \$128,250                                                     | 5 years                         |

| <u>Purpose</u>                                                                                                                                                                                  | <u>Appropriation<br/>and Estimated<br/>Cost</u> | <u>Estimated<br/>Maximum Amount<br/>of Bonds or<br/>Notes</u> | <u>Period of<br/>Usefulness</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------|
| i) Acquisition of various wastewater treatment plant vehicles, including, but not limited to, a utility body truck with hoist, including all related costs and expenditures incidental thereto. | \$41,000                                        | \$38,950                                                      | 5 years                         |
| TOTALS                                                                                                                                                                                          | <u>\$1,114,300</u>                              | <u>\$1,058,000</u>                                            |                                 |

Appropriation: \$1,114,300

Bonds/Notes Authorized: \$1,058,000

Grant Appropriated: N/A

Section 20 Costs: \$50,000

Useful Life: 20.53 years

Ana Minkoff, Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 8/9/16, in the amount of \$563,005.89 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

**APPROVED** this 9th day of August, 2016.

**ATTEST:**

---

Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION SUPPORTING THE FAIRNESS FORMULA  
EQUAL SCHOOL FUNDING AND PROPERTY TAX RELIEF**

**WHEREAS** the Constitution of the State of New Jersey provides for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years; and

**WHEREAS** New Jersey schools are funded through a combination of state, federal and local dollars; and

**WHEREAS** state aid is currently allocated to school districts using a weighted formula rather than equal school funding; and

**WHEREAS** Governor Christie has stated "A funding formula that puts a higher value on one child over another is morally wrong and it has been economically destructive... Every child has potential. Every child has goals. No child's dreams are less worthy than any other child's. No child deserves less funding from the state's taxpayers."; and

**WHEREAS** Mayor Robert Woodruff has pledged his support of Governor Christie's Fairness Formula which will ensure that all students have equal funding to be successful and will provide property tax savings for Berkeley Heights' residents.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Berkeley Heights, County of Union, New Jersey that it hereby concurs with the Mayor and supports the Governor's initiative to amend the Constitution of the State of New Jersey to require that State funding to school districts, other than special education funding, be on an equal per pupil basis; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, our State Senator, our two Representatives in the General Assembly, Union County Clerks and to the New Jersey League of Municipalities.

**Approved this 9<sup>th</sup> day of August, 2016.**

**ATTEST:**

---

Ana Minkoff  
Township Clerk

## **DISTRIBUTION LIST**

1. The Hon. Chris Christie,  
Governor, State of New Jersey  
PO Box 001  
Trenton, NJ 08625
2. The Hon. Stephen Sweeney,  
Senate President,  
Senator, District 3  
NJ Senate Democratic Office  
PO Box 099  
Trenton, NJ 08625
3. The Hon. Vincent Prieto,  
Speaker, NJ General Assembly  
Assemblyman, District 32  
NJ General Assembly Majority Office  
PO Box 098  
Trenton, NJ 08625
4. NJ League of Municipalities  
222 West State Street  
Trenton, NJ 08608
5. Your State Legislators (State Senator and Assembly Representatives)

The Honorable Thomas Kean  
Senator, 21<sup>st</sup> District  
425 North Avenue East, Suite C  
Westfield, NJ 07090

The Honorable Jon Bramnick  
Assemblyman, 21st District  
251 North Avenue West, Second Floor  
Westfield, NJ 07090

The Honorable Nancy Muñoz  
Assemblywoman, 21st District  
57 Union Place, Suite 310  
Summit, NJ 07901

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of The Township Council of the Township of Berkeley Heights to the efforts undertaken by the municipality and the requirement contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** that the Township Council of the Township of Berkeley Heights hereby endorses the submission of the Year 2015 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Robert Bocchino as the Recycling Coordinator to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the Recycling Tonnage Grant be deposited in a dedicated trust fund to be used solely for the purpose of recycling.

Copies of this resolution shall be forwarded to the NJDEP, Robert Bocchino, and Treasurer.

**APPROVED** this 9th day of August, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

Agenda Item#

4a

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**William Reis, 17 Countryside Dr., Berkeley Heights, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to William Reis and the Fire Chief.

**APPROVED** this 9th day of August, 2016.

**ATTEST:**

---

Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights issued Tax Sale Certificate #12-00001 to lien holder: FWDSL & Associates LP for Block #301.08, Lot #12, located at 23 Wren Court, Berkeley Heights, New Jersey; and

**WHEREAS**, the owner of such property has now redeemed such certificate and the lien holder: FWDSL & Associates LP, 17 W. Cliff Street, Somerville, NJ 08876 is entitled to receive redemption in the amount of \$26,008.20 to be paid by or on behalf of the homeowner.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$26,008.20, in redemption of Tax Sale Certificate #12-00001 upon the submission of a properly completed voucher and surrender of such certificate.

Copies of this Resolution are to be forwarded to FWDSL & Associates LP, Tax Collector and the Treasurer.

**APPROVED this 9th day of August, 2016.**

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk



Agenda Item

#

4c

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Tax Collector has advised that there was an overpayment of a portion of 2016 property taxes for property known as Block #2201 Lot #25 also known as 130 Timber Drive, which requires a refund in the amount of \$466.80; and

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer is authorized to refund the overpayment for 2016 taxes in the amount of \$466.80 to Louis & Lynn M. Diakogiannakis, 130 Timber Drive, Berkeley Heights, NJ 07922.

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to Louis and Lynn M. Diakogiannakis, Treasurer and Tax Collector.

**APPROVED** this 9th day of August, 2016.

**Attest:**

---

**Ana Minkoff  
Township Clerk**

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, by letter dated July 18, 2016 a request was made by Jill Novotny requesting permission from the Township Council to hold a neighborhood block party on #17 to #34 Ridge Drive West which would involve erecting barricades on a public street; and

**WHEREAS**, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for #17 to #34 Ridge Drive West on Saturday, September 10, 2016 from 12:00 p.m. until 10:00 p.m., with a rain date of September 17, 2016.

**BE IT FURTHER RESOLVED** that said approval is subject and contingent upon the approval of the Berkeley Heights Police Department, Fire Department and other appropriate officials; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is to be forwarded to Jill Novotny, Chief of Police, Fire Chief, and the Director of Public Works.

**APPROVED this 9th day of August, 2016.**

**ATTEST:**

---

Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, by email dated August 2, 2016 a request was made by Alaina Kelly requesting permission from the Township Council to hold a neighborhood block party on the corner of Countryside Drive and Crest Drive which would involve erecting barricades on a public street; and

**WHEREAS**, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for the corner of Countryside Drive & Crest Drive on Sunday, September 11, 2016 from 1:00 p.m. until 8:00 p.m.

**BE IT FURTHER RESOLVED** that said approval is subject and contingent upon the approval of the Berkeley Heights Police Department, Fire Department and other appropriate officials; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is to be forwarded to Alaina Kelly, Chief of Police, Fire Chief, and the Director of Public Works.

**APPROVED this 9th day of August, 2016.**

**ATTEST:**

---

Ana Minkoff  
Township Clerk

EXPLANATORY STATEMENT: This ordinance authorizes and adopts a Redevelopment Plan for the redevelopment of the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library is currently situated, pursuant to the Local Redevelopment and Housing Law.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. \_\_\_\_\_

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law.

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of non-condemnation redevelopment, and the adoption of a redevelopment plan governing the redevelopment project; and

**WHEREAS**, on April 21, 2015, the Township Council of the Township of Berkeley Heights, by way of Resolution, authorized and directed the Berkeley Heights Planning Board (the "Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the properties identified as Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40, as shown on the Tax Map of the Township (the "Study Area"), constitute an area in need of non-condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, within the Study Area was the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library is currently situated (the "Redevelopment Area"); and

**WHEREAS**, on May 6, 2015, the Planning Board authorized Michael J. Mistretta, P.P., Lic. No. 00575900, of Harbor Consultants, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area (the "Study"); and

**WHEREAS**, the Planning Consultant prepared a Study, entitled "Preliminary Investigation Report for the Redevelopment of the Township of Berkeley Heights Municipal Complex," dated August 2015 (the "Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment, as well as a map of the Study Area; and

**WHEREAS**, upon proper notice, and in compliance with the Redevelopment Law, the Planning Board conducted a public hearing on September 16, 2015 to determine whether the Study Area met the criteria as an area in need of redevelopment, at which hearing the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study and the Report to the Planning Board; and

**WHEREAS**, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board heard testimony and evidence from members of the general public, who also were given an opportunity to cross-examine the Planning Consultant and address questions to the Planning Board concerning the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5, as follows:

| <b><u>Property</u></b>                    | <b><u>Redevelopment Criteria</u></b> |
|-------------------------------------------|--------------------------------------|
| Block 208, Lot 38                         | Criteria (c), (h) and Section 3      |
| Block 208, Lot 39                         | Criteria (c), (e) and (h)            |
| Block 208, Lot 40                         | Criteria (c), (e) and (h)            |
| Block 1301, Lot 19                        | Criteria (a), (d) and (h)            |
| Block 1301, Lot 26 ("Redevelopment Area") | Criteria (a), (d) and (h)            |

and that the Study Area is an area in need of non-condemnation redevelopment; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5 as determined by the Planning Consultant, that the public questions and comments did not erode the Planning Consultant's testimony or conclusions, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Redevelopment Area; and the Planning Board unanimously voted to recommend that the Township Council find that the Study Area be designated a an area in need of non-condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5; and

**WHEREAS**, on September 30, 2015, the Planning Board adopted a Resolution memorializing the public hearing and decision on September 16, 2015; and

**WHEREAS**, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Council agreed with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for redevelopment area designation, finding that such conclusion is supported by substantial evidence; and, by Resolution No. 2011-2015, adopted on October 6, 2015, designated the Study Area as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

**WHEREAS**, upon submission of the Township's designation of the Study Area as an area in need of redevelopment to the Commissioner of the New Jersey Department of Community Affairs for review and approval, the Township received a letter dated November 16, 2015 from

Charles A. Richman, DCA Commissioner, approving the redevelopment designation and applauding the Township's actions relating to same; and

**WHEREAS**, the Township authorized Harbor Consultants, Inc., Township Planners, in consultation with the appropriate Township officials, to prepare a redevelopment plan for the development of a the Redevelopment Area, being a portion of the Study Area; and

**WHEREAS**, Harbor Consultants, Inc., presented a redevelopment plan entitled "Redevelopment Plan for the Berkeley Heights Township Public Library," dated July 21, 2016, prepared by Harbor Consultants, Inc. (the "Redevelopment Plan"), in the form substantially attached hereto, to the Township Council for its consideration and adoption pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights finds it to be in the best interests of the Township and its citizens to adopt the Redevelopment Plan for the Redevelopment Area for the redevelopment of the Township municipal complex.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The redevelopment plan entitled "Redevelopment Plan for the Berkeley Heights Township Library," dated July 21, 2016, prepared by Harbor Consultants, Inc. (the "Redevelopment Plan"), in the form substantially attached hereto, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The zoning district map in the zoning ordinances of the Township is hereby amended to include the boundaries described in the Redevelopment Plan and the provisions therein.

**Section 4.** All of the provisions of the Redevelopment Plan shall superseded the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area.

**Section 5.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular Township business hours.

**Section 6.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 7.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances

of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 8.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 9.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40A:12A-7(e). The Planning Board is directed to make and transmit to the Township Council, within 45 days after referral, a report including an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 10.** This Ordinance, after adoption, shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 11.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

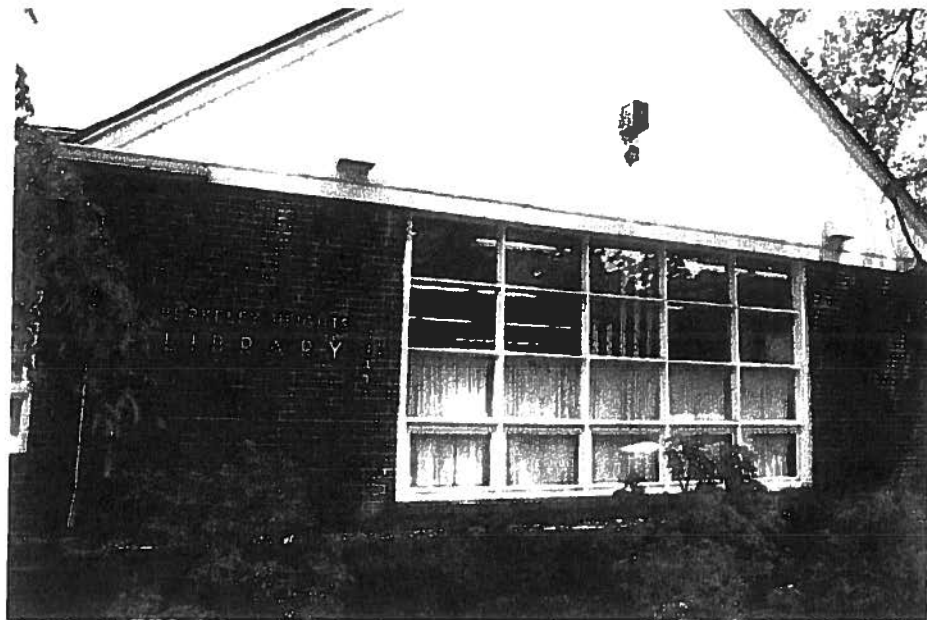
ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Woodruff, Mayor

ATTEST:

\_\_\_\_\_  
Ana Minkoff, Township Clerk

A Redevelopment Plan  
for the  
Berkeley Heights Township Library



Township of Berkeley Heights  
Union County, New Jersey

July 21, 2016

Prepared by

**Harbor Consultants, Inc.**

320 North Avenue East

Cranford, New Jersey 07016

Project Number 2015008.05G

The original of this report was signed and  
sealed in accordance with N.J.S.A. 45:14A-12.

---

Michael Mistretta, PP #00575900



## **Table of Contents**

- 1.0 Introduction
  - 1.1 Redevelopment Process
  - 1.2 Description of the Redevelopment Area
    - 1.2.A. Photographs of Existing Conditions
    - 1.2.B. Existing Floor Plans for the Township Library
  - 1.3 Neighborhood
  - 1.4 History of the Berkeley Heights Library
  - 1.5 Architectural Needs Study
  - 1.6 Adoption of a Redevelopment Plan
- 2.0 Relation to Township Planning Objectives
  - 2.1 Goals and Objectives of the 2007 Township Master Plan
    - 2.1.A. Goals and Objectives of the Land Use Element
    - 2.1.B. Goals and Objectives of the Circulation and Parking Element
  - 2.2 Relation to Township Land Use Procedures Ordinance
  - 2.3 Goals and Objectives of the Redevelopment Plan
- 3.0 Redevelopment Area Land Use Plan
  - 3.1 Permitted Uses
    - 3.1.A Permitted Principal Uses
    - 3.1.B Permitted Accessory Uses
    - 3.1.C Conditional Uses
  - 3.2 Building, Area, and Yard Requirements
  - 3.3 Off-Street Parking Spaces, Driveways, Aisles and Traffic
  - 3.4 Development Regulations
  - 3.5 Building and Architectural Design Standards and Programming
  - 3.6 Redevelopment Area Phasing Plan
  - 3.7 Pedestrian Access and Improvements
  - 3.8 Open Space and Environmental Considerations
- 4.0 Redevelopment Area Site Planning and Design Standards
  - 4.1 Design Considerations and Standards
    - 4.1.A Screening of Above-Grade Parking
    - 4.1.B Screening of Back Room Uses, Storage Facilities, and Trash
  - 4.2 Green Design and Elements
    - 4.2.A Sustainability
    - 4.2.B Berkeley Heights Adoption of Sustainability Ordinance
  - 4.3 Signage
  - 4.4 Environmental Site Remediation
- 5.0 Redevelopment Area Transportation and Circulation Plan
  - 5.1 Pedestrian and Bicycle Access and Circulation
- 6.0 Plan Consistency Review
  - 6.1 Relationship to Berkeley Heights Zoning Code
  - 6.2 Relationship to Adjacent Municipalities
    - i. Borough of New Providence
    - ii. Township of Long Hill
    - iii. Chatham Township

- iv. Borough of Watchung
  - v. Warren Township
  - vi. Mountainside Boro
  - vii. Summit City
  - viii. Scotch Plains Township
- 6.3 Relationship to Union County Master Plan
- 6.4 Relationship to State Development and Redevelopment Plan
- 7.0 Redevelopment Actions
  - 7.1 Demolition
  - 7.2 New Construction
  - 7.3 Properties to be Acquired
  - 7.4 Relocation
- 8.0 General Provisions
  - 8.1 Role of the Township of Berkeley Heights
    - i. Redeveloper Selection
  - 8.2 Approvals Process
    - i. Township Council Review
    - ii. Planning Board Review Process
    - iii. Variances Not to be Considered
  - 8.3 Easements
  - 8.4 Site Plan Review
    - i. Site Plan and Subdivision Review
    - ii. Approvals by Other Agencies
    - iii. Certificate of Completion and Compliance
    - iv. Severability
    - v. Adverse Influences
    - vi. Non-Discrimination Provisions
    - vii. Infrastructure and Public Improvements
    - viii. Duration of the Plan
    - ix. Procedure for Amending the Approved Plan

### **Exhibits**

1. Berkeley Heights Municipal Complex Town Hall Meeting prepared by GRA Architects and Arcari + Iovino Architects PC, September 22, 2014, Slides A-1 thru A-4.
2. Memorandum of Understanding (MOU) by and between the Township of Berkeley Heights, Union County, New Jersey and the Church of the Little Flower, June 18, 2014.
3. Township of Berkeley Heights Resolution No. 165-2014, Authorizing the Mayor and Council to execute the attached Memorandum of Understanding, July 8, 2014.
4. Memorandum of Understanding (MOU) by and between the Township of Berkeley Heights, Union County, New Jersey and the Trustees of the Free Public Library of Berkeley Heights regarding Land Exchange with the Little Flower Church in the Township of Berkeley Heights, Union County, New Jersey, September 23, 2014.
5. Township Council Resolution No. 99-2015 dated April 21, 2015, authorizing the Planning Board to undertake a preliminary investigation, utilizing Harbor Consultants, Inc., in order to recommend to the Township Council whether the properties identified as Block 1301, Lots 19, 26, and all of a portion of Block 208, Lots 38, 39, 40 are areas in need of redevelopment according to criteria set forth in N.J.S.A 40A:12A-5.
6. Planning Board Resolution dated May 6, 2015, authorizing Harbor Consultants, Inc., to prepare a map of the Study Area, a statement setting forth the basis for the investigation, and conduct a preliminary investigation of the Study Area to determine whether the Study Area meets the criteria set forth in the LRHL and should be designated as an area in need of non-condemnation redevelopment”.
7. Planning Board Resolution approved on September 16, 2015 and memorialized on September 30, 2015, “recommending to the Council of the Township of Berkeley Heights that the following parcels be designated as an area in need of non-condemnation redevelopment: Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40”.
8. Township Council Resolution No. 211-2015 “designating the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5” and “directing the Township Planner to work with the Township Council to prepare a redevelopment plan for the Study Area (to be hereinafter referred to as the Redevelopment Area), and present same to the entire Township Council pursuant to N.J.S.A, 40A:12A-7f”, dated October 6, 2015.
9. Department of Community Affairs letter dated November 4, 2015.
10. Location and Topographic Survey of the Berkeley Heights Public Library, Tax Block 1301, Lot 26, prepared by David A. Stires Associates. LLC, dated 6/20/16.

### **Figures**

- Figure 1: Berkeley Heights Township Tax Map of the Redevelopment Area  
Figure 2: Aerial Photograph of the Library Redevelopment Property  
Figure 3-15: Photographs of Existing Conditions  
Figure 16-17: Existing Conditions and Floor Plans for the Library  
Figures 18: Zoning Map of the Library Property (Block 1301, Lot 26)  
Figure 19: Library Property (Block 1301, Lot 26) and Surrounding Properties  
Figures 20: Historical Map of the Site  
Figures 21-22: Church of the Little Flower and Parish Center Renovation Project Site Plans

### **Tables**

|          |                                                                                                |
|----------|------------------------------------------------------------------------------------------------|
| Table 1: | Berkeley Heights Library Property                                                              |
| Table 2: | Bulk Requirements, Open Land (OL) Zone District                                                |
| Table 3: | Library Redevelopment Area Zoning & Design Standards, Building, Area, and<br>Yard Requirements |
| Table 4: | Off-Street Parking Requirements                                                                |

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **1.0 Introduction**

### **1.1 Redevelopment Process**

The Township of Berkeley Heights Council and Planning Board has evaluated and authorized the need for the redevelopment of the Township Library property located at 290 Plainfield Avenue (Block 1301, Lot 26). The Library Property (the "Study Area") consists of this single parcel. While the resolutions below describe 4 other parcels (Block 1301, Lot 19; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40) that were also deemed an area in need of redevelopment under the same preliminary investigation, this Plan deals solely with Block 1301, Lot 26. This Redevelopment Plan shall provide the framework for the redevelopment of the Library property.

On April 21<sup>st</sup>, 2015 the Township of Berkeley Heights Council adopted a resolution authorizing the Planning Board to prepare a preliminary investigation report to determine whether Block 1301, Lot 26; Block 1301, Lot 19; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40 satisfied the statutory criteria pursuant to N.J.S.A. 40A:12A-1 of the Local Redevelopment and Housing Law (LRHL).

The Resolution further states that it allows the, "investigation of a potential land transaction with the Little Flower Church for the relocation of the Township's municipal complex and public library, the Township finds it appropriate to commence the process to determine if the [identified properties] are in need of redevelopment, and to develop a redevelopment plan for the same."<sup>1</sup> The Township must also follow the procedures and criteria set forth in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 and N.J.S.A 40A:12A-6 to determine the Study Area as an area in need of redevelopment. Additionally, the Study Area is to be referred as a, "Non-Condemnation Redevelopment Area."<sup>2</sup>

Lastly, the Resolution resolves that the Planning Board is authorized to commence the preliminary investigation report using Harbor Consultants, Inc., Consulting Township Planners for the Township of Berkeley Heights, to research and compose the entirety of the report.<sup>3</sup>

On May 6, 2015, the Planning Board of the Township of Berkeley Heights adopted a Resolution authorizing Harbor Consultants, Inc. to prepare a map of Block 1301, Lot 26; Block 1301, Lot 19; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40 to be used a basis off of which to conduct a study and investigation to determine if the Study Area is an area in need of Redevelopment pursuant to the criteria set forth in the LRHL.<sup>4</sup>

On September 16, 2015, a public hearing was held before the Township Planning Board to review the study, evidence and testimony in support of the findings of whether or not the Township Library property satisfied the requirements of the Local Redevelopment and Housing

---

<sup>1</sup> Township Council of the Township of Berkeley Heights Resolution, Signed by Township Clerk: April 21, 2015.

<sup>2</sup> Township Council of the Township of Berkeley Heights Resolution, Signed by Township Clerk: April 21, 2015.

<sup>3</sup> Township Council of the Township of Berkeley Heights Resolution, Signed by Township Clerk: April 21, 2015.

<sup>4</sup> Planning Board of the Township of Berkeley Heights Resolution, Signed by Township Secretary: May 6, 2015.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

Law to be considered an area in need of redevelopment. The Township Planning Board concluded that Block 1301, Lot 26, along with others, satisfied the requirements of the Local Development and Housing Law and on September 30, 2015 adopted a Resolution which memorialized the findings of the Planning Board<sup>5</sup>.

On October 6, 2015 the Township Council adopted Resolution No. 211-2015 which designated the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6. This same Resolution also authorized the Township Planner to work with the Township Council to prepare a redevelopment plan for the Study Area<sup>6</sup>.

On November 4, 2015 the Department of Community Affairs issued a letter stating that, "In accordance with N.J.S.A. 40A:12A-6.b.(5)(c), the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation".

This Redevelopment Plan for the Township of Berkeley Heights Municipal Complex has been prepared in accordance with N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law.

## **1.2 Description of the Redevelopment Area**

The Township Public Library is located on Block 1301, Lot 26, with frontage along the easterly right-of-way of Plainfield Avenue. The southern property boundary and the western property boundary of the Library Property borders the Church of the Little Flower property which contains the Parish Church. Lot 26 is a rectangular shaped lot with the exception of a small rectangular bump out along the northern property line. The Library is a pre-existing non-conforming structure constructed approximately 86 years ago. The Library is located approximately 17 feet from the Plainfield Avenue right-of-way, whereas the front yard setback in the Open Lands Zone District is 100 feet. The Library is located approximately 10 feet from the side yard property line, where the side yard setback requirement is 40 feet. Therefore the Library building is a pre-existing non-conforming structure in the OL Zone District.

The entrance feeds into a parking lot with angular parking along the northern edge of the building and a standard parking lot in the back of the library where several cars were parked at the time of the field survey. In order to exit the parking lot, vehicles must continue to drive around the rear of the Library, and exit along a driveway that is common with the parking lot of the Little Flower Church, then proceed back to the Plainfield Avenue right-of-way. The current driveway and parking circulation operates in conjunction with the Church of the Little Flower Parish. If the properties were separated and forced to operate individually, then the only driveway providing egress onto Plainfield Avenue would be either eliminated or undersized and nonconforming, creating a hazard to the public using the Library.

---

<sup>5</sup> Planning Board of the Township of Berkeley Heights Resolution, Signed by Township Secretary: Sept. 30, 2015

<sup>6</sup> Township Council of the Township of Berkeley Heights Resolution, Signed by Township Clerk: October 6, 2015

*Township of Berkeley Heights, Union County, New Jersey*

At a Town Hall meeting on September 22, 2014, the Township of Berkeley Heights architectural and planning professionals discussed the potential land transaction between the Township and the Church of the Little Flower. During the meeting, a Memorandum of Understanding was presented that outlined an agreement whereby the Township would purchase the Hamilton Avenue Campus from the Church and the Church would purchase the Township Library Property<sup>9</sup>. The Church has reported that it would benefit from owning and maintaining a much smaller parcel of land that is contiguous to the Little Flower Church where they can establish an accessory building to better service the parish.

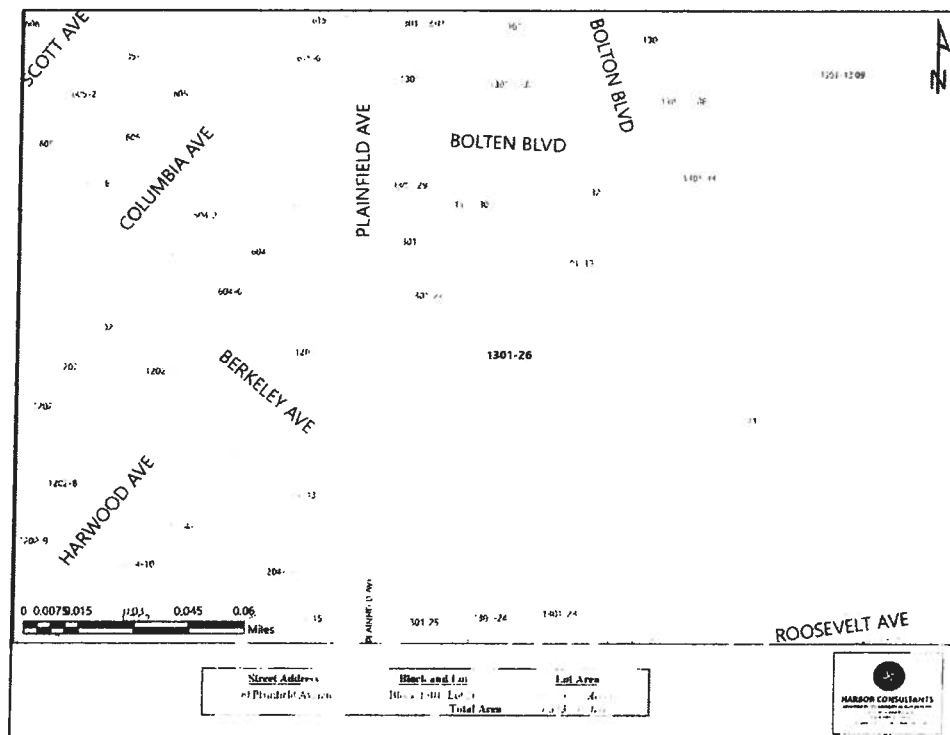


Figure 1: Township Tax Map

<sup>9</sup> Memorandum of Understanding (MOU) by and between the Township of Berkeley Heights, Union County, New Jersey and the Trustees of the Free Public Library of Berkeley Heights regarding Land Exchange with the Little Flower Church in the Township of Berkeley Heights, Union County, New Jersey, September 23, 2014.

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

| Table 1: Berkeley Heights Library Property<br>290 Plainfield Avenue |       |     |                        |
|---------------------------------------------------------------------|-------|-----|------------------------|
| Owners                                                              | Block | Lot | Lot Area               |
| Township of Berkeley Heights                                        | 1301  | 26  | 1.333 +/- Acres        |
| <b>Total Area</b>                                                   |       |     | <b>1.333 +/- Acres</b> |
| *Information Shown in Table is from the municipal tax records only. |       |     |                        |



*Figure 2: Aerial Photograph of the Library Redevelopment Property*

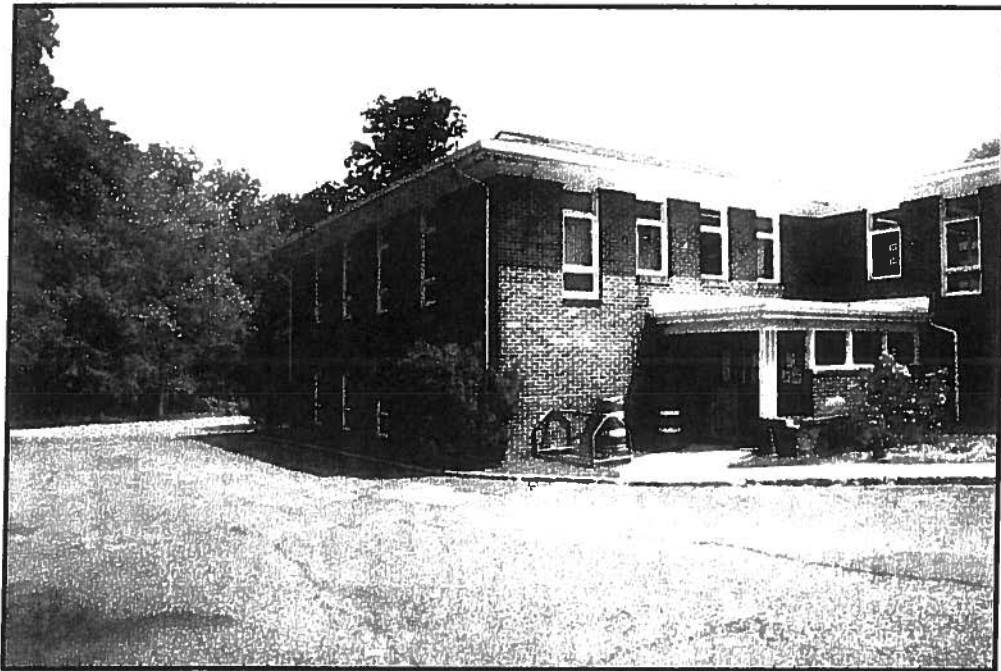
## 1.2.A. Photographs of Existing Conditions

The following photographs were taken during a site visit conducted on May 20, 2015 to evaluate Block 1301, Lot 26 as an area in need of redevelopment.

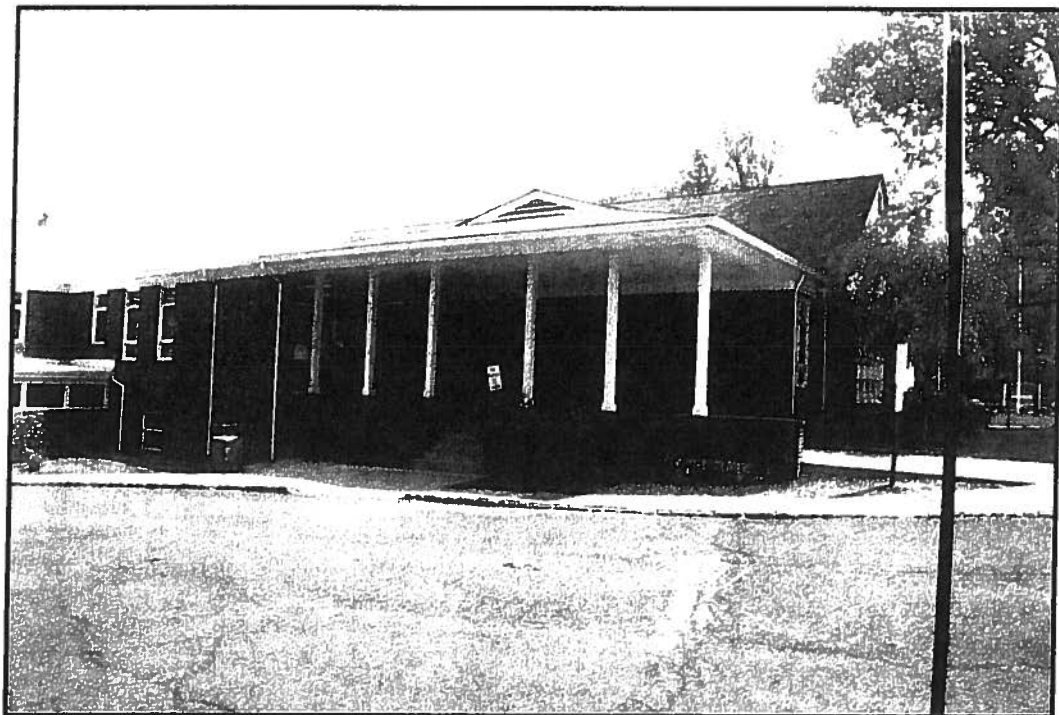


# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



*Figure 3: Side elevation of Township Library*



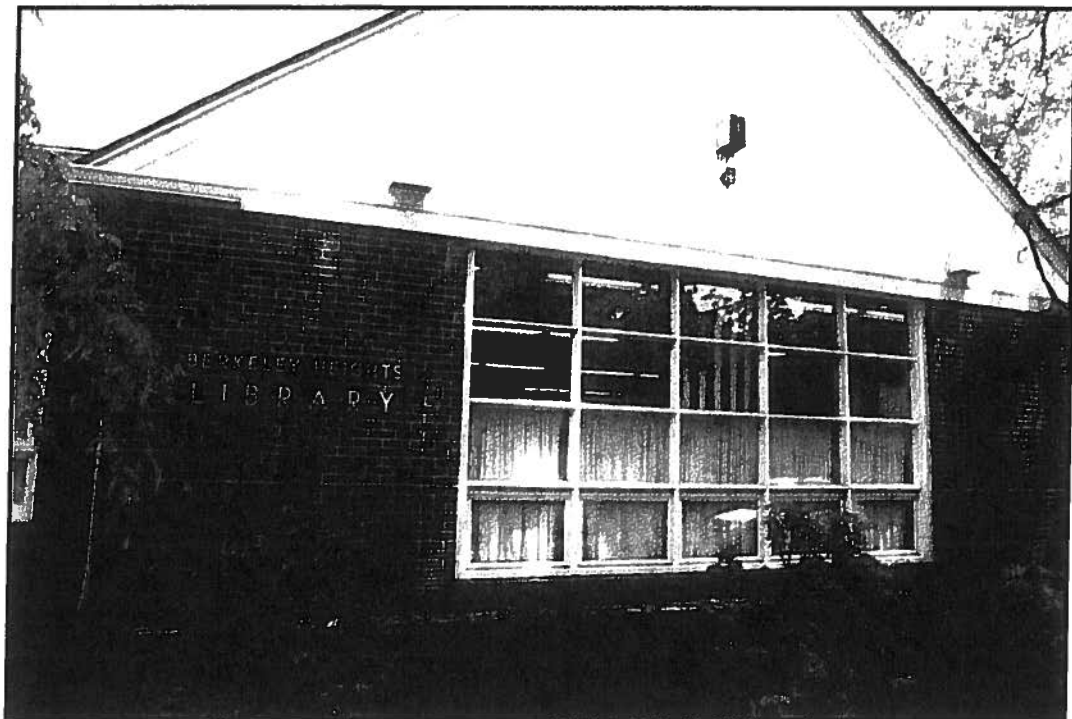
*Figure 4: Front and side elevation with portico and Library entrance*

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



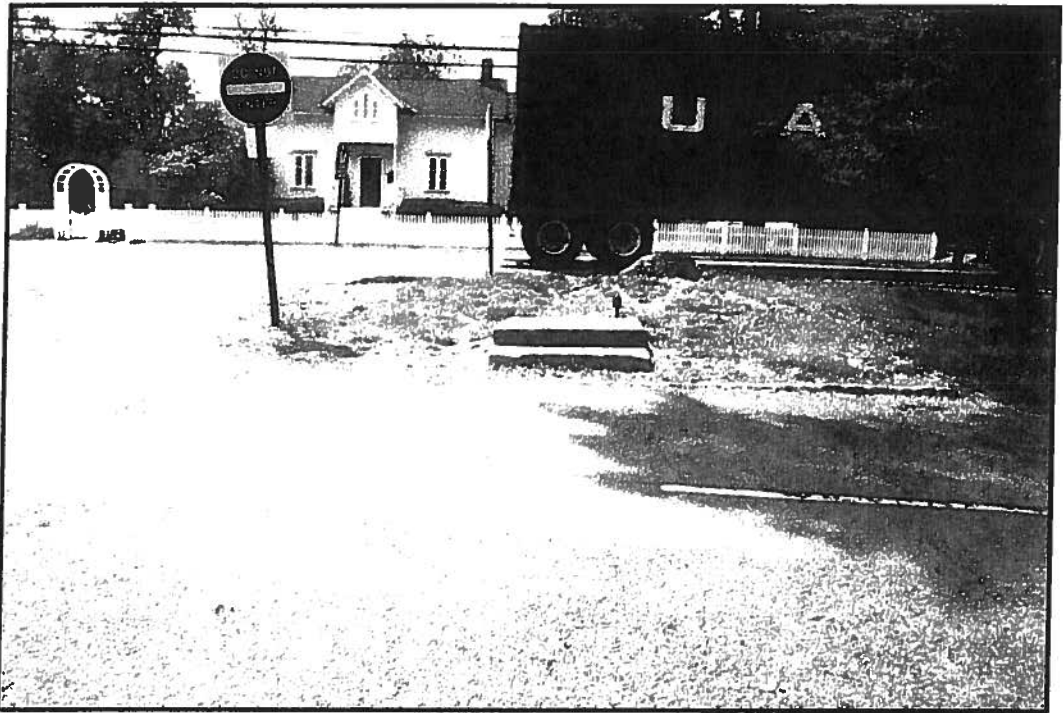
*Figure 5: Main entrance of Library*



*Figure 6: Library front elevation*

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



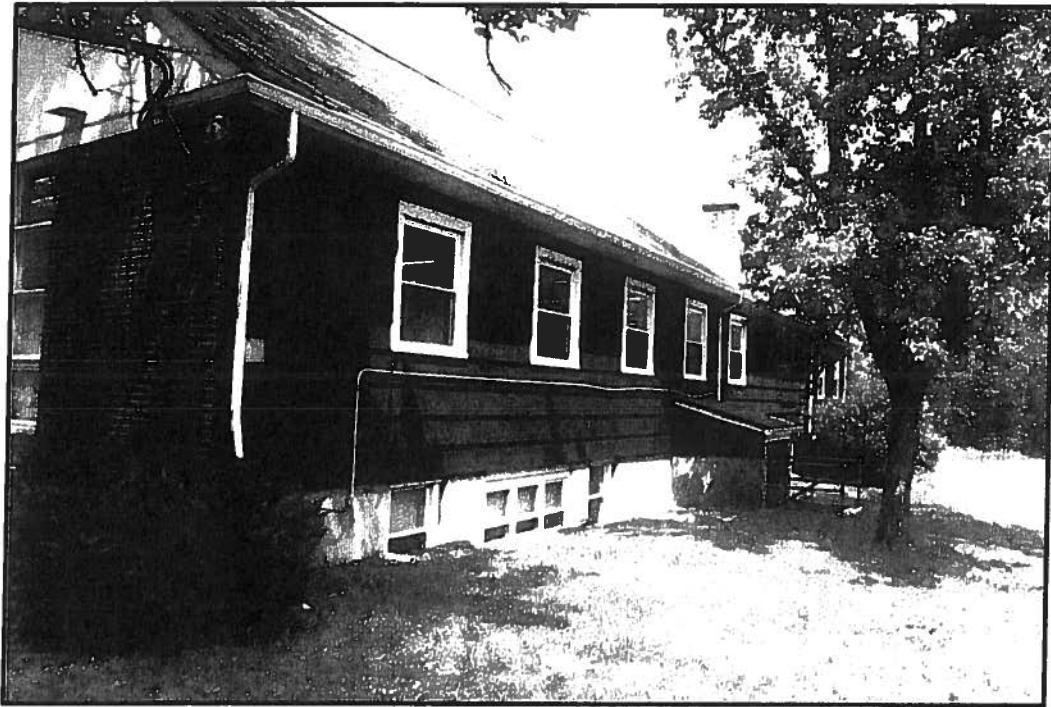
*Figure 7: Part of Library parking lot facing Plainfield Avenue with an obsolete concrete slab of steps*



*Figure 8: Front elevation of the Library facing north on Plainfield Avenue*

## A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



*Figure 9: Side elevation of the Library with wooden siding facing the side elevation of the Little Flower Church*



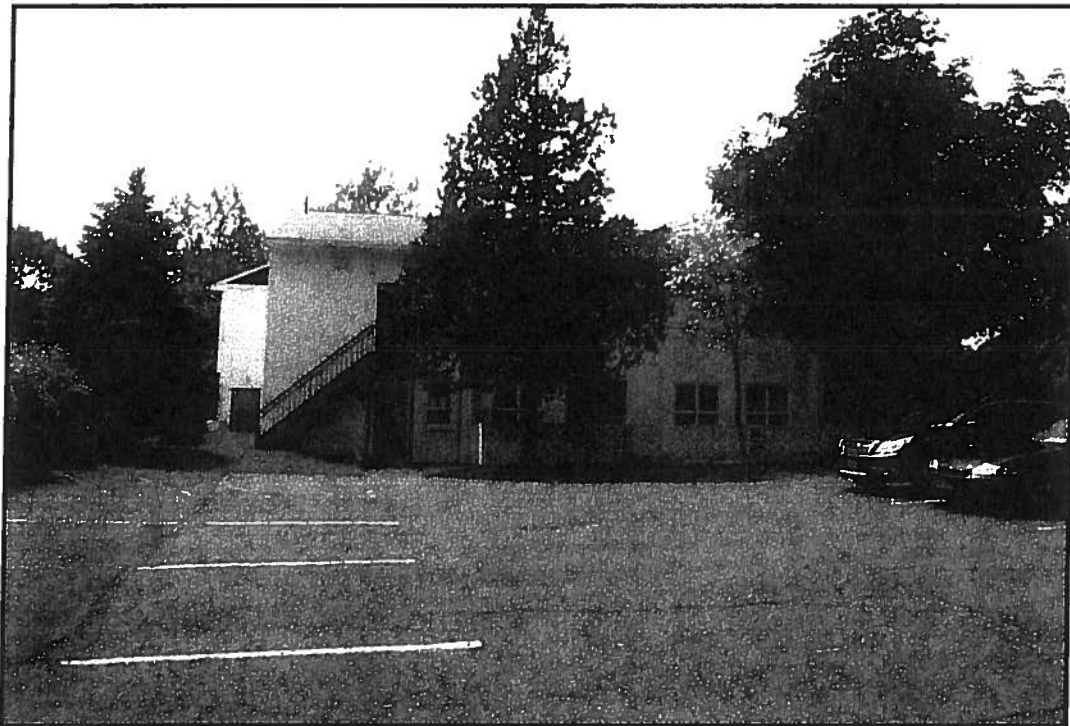
*Figure 10: Side elevation with wooden fencing facing the exit for the Library and the exit/parking lot for the Church*

## A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



*Figure 11: Side elevation of the Library taken from rear of building*



*Figure 12: Rear elevation of the Library and its parking lot*



## **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*



*Figure 13: Library parking lot*

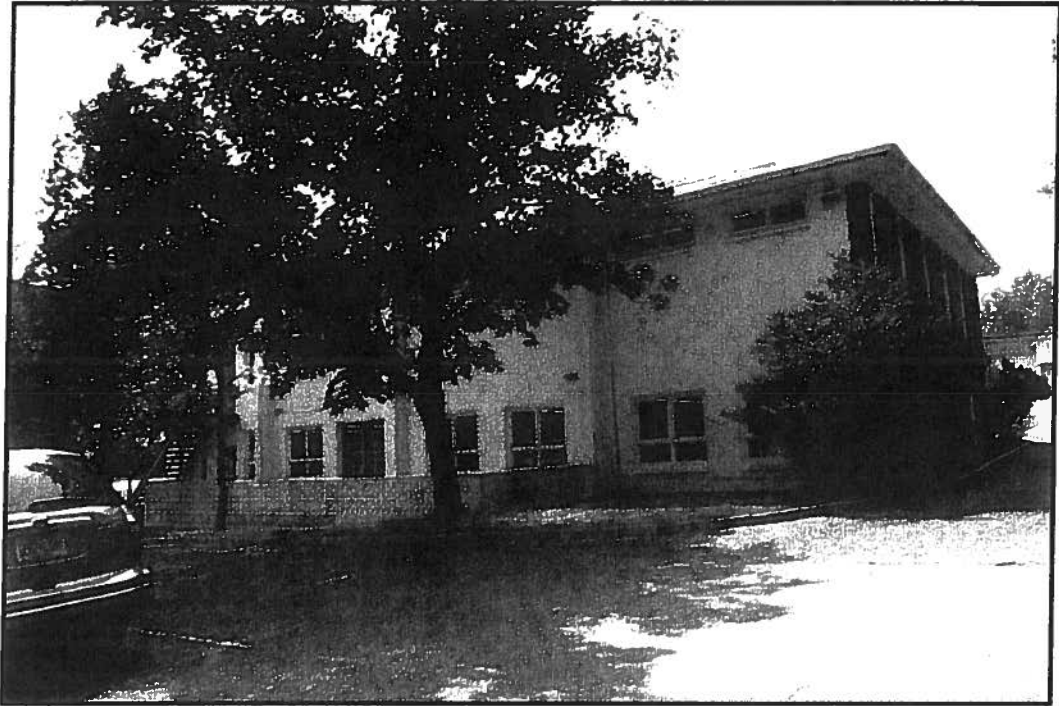


*Figure 14: Part of Library rear elevation and side parking lot*

## **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---



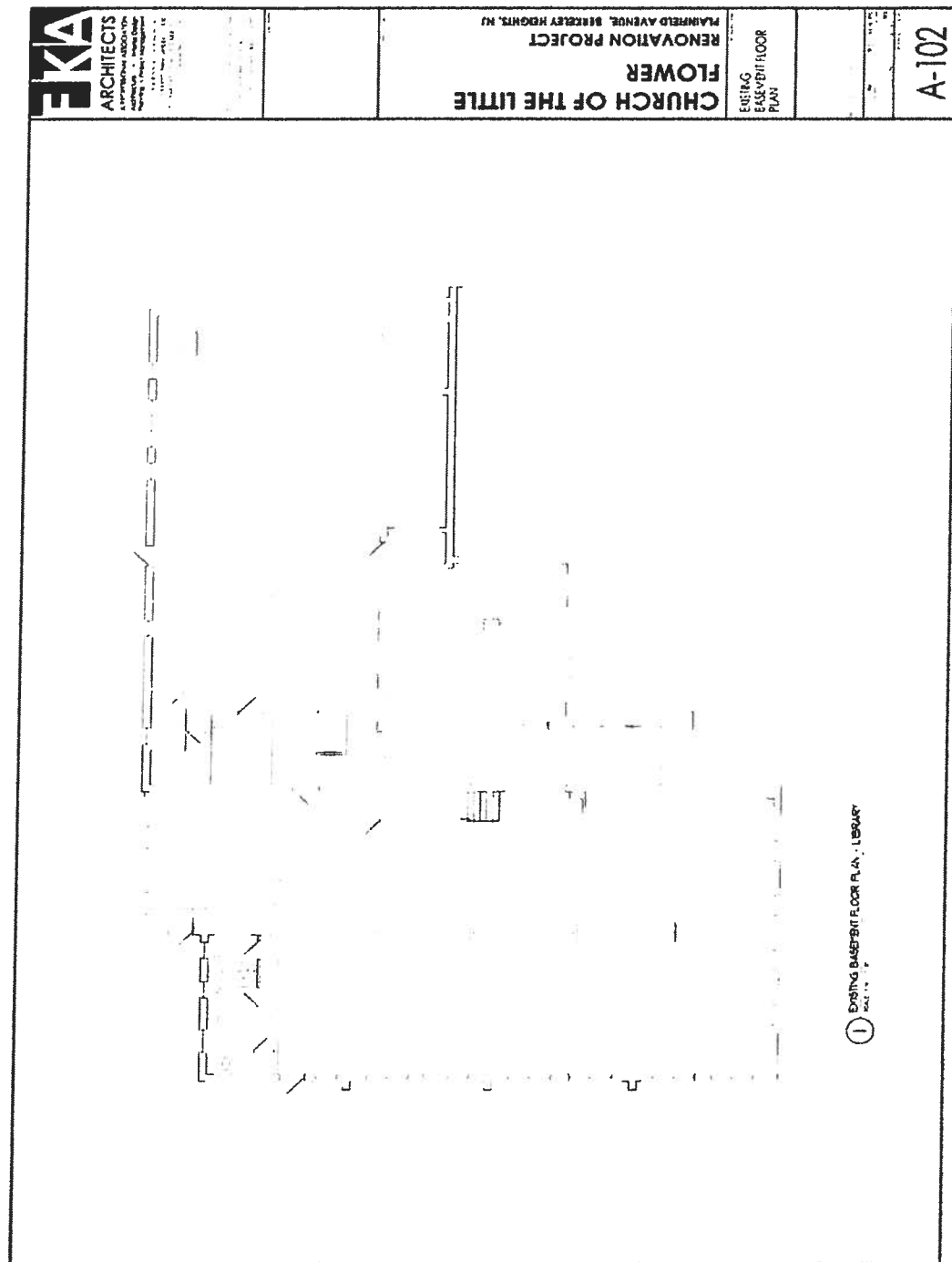
*Figure 15: Library rear elevation*

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

## 1.2.B. Existing Floor Plans for the Township Library

The following floor plans depict the existing conditions of the Township Library, as provided by the COLF professional team and FKA Architects. The building consists of a basement and first floor level.

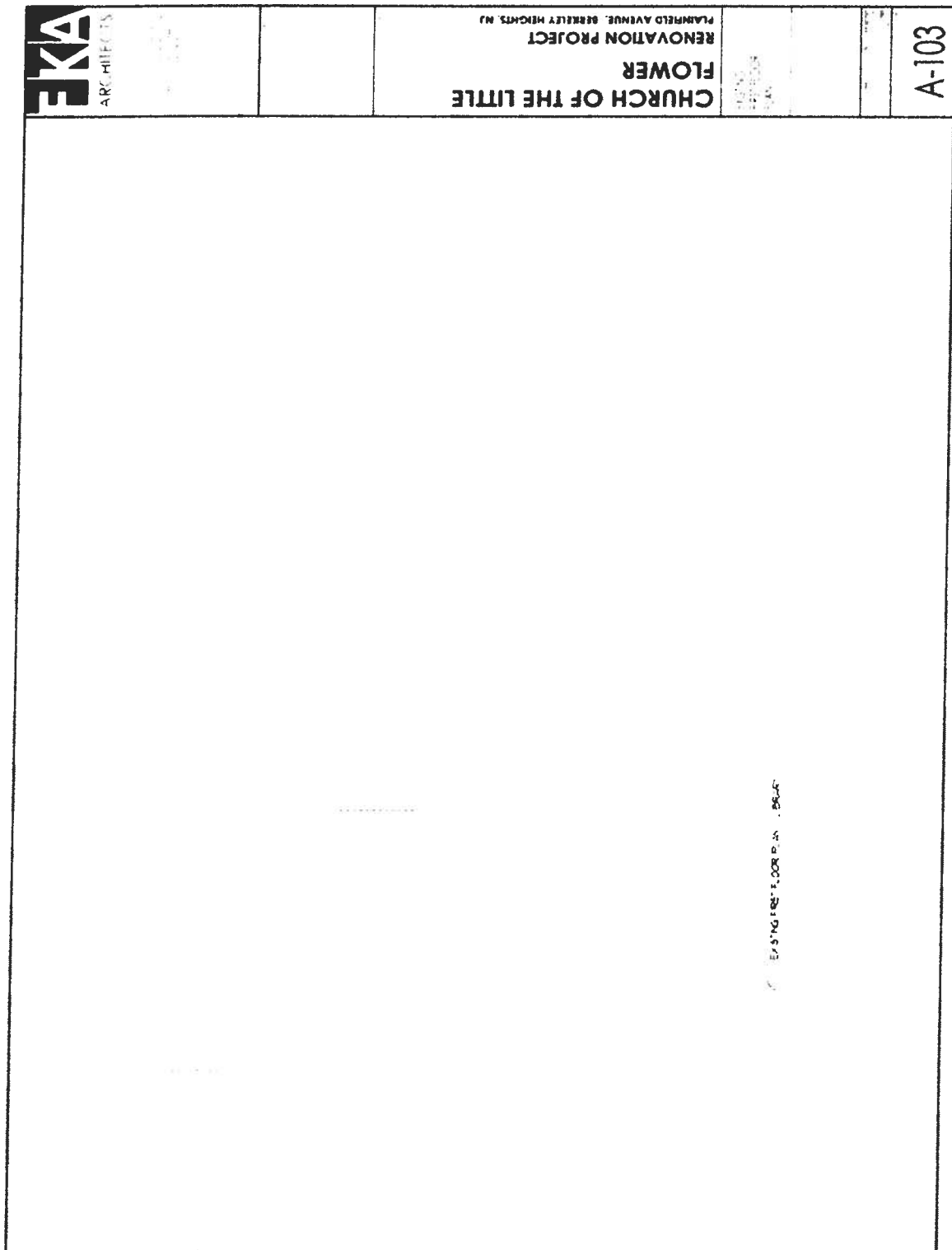


*Figure 16: Existing Basement Floor Plan of the Library*



# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



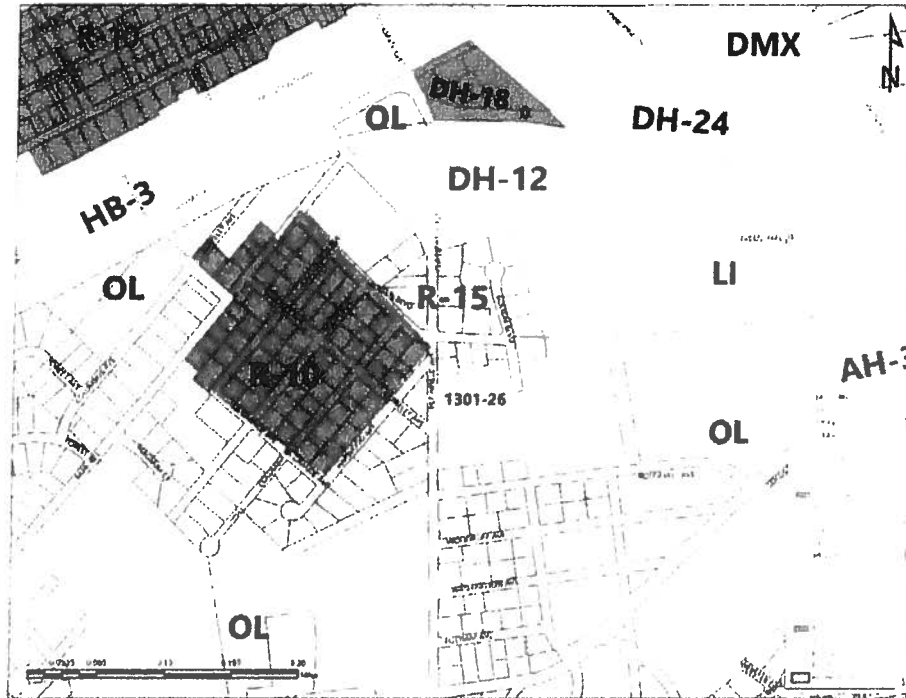
*Figure 17: Existing First Floor Plan of the Library*

# A Redevelopment Plan for the Berkeley Heights Library

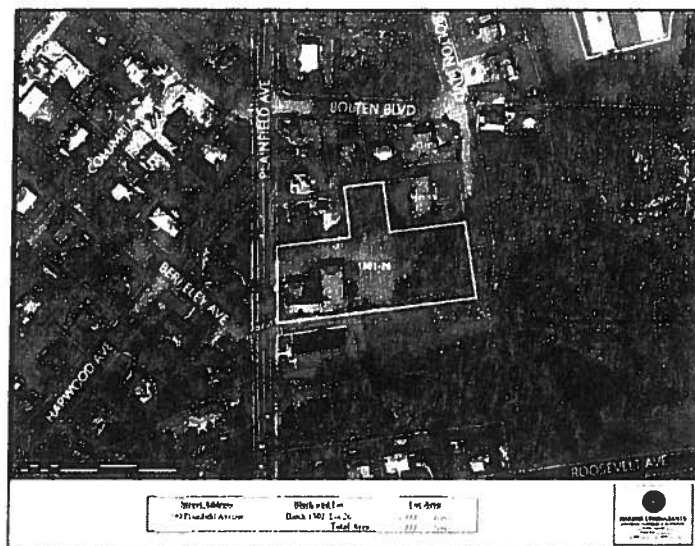
*Township of Berkeley Heights, Union County, New Jersey*

## 1.3 Neighborhood

The Library Property (Block 1301, Lot 26) is located in the Open Land (OL) Zone. The Township Library is located along Plainfield Avenue. To the north and to the west of the property are mainly residential zones. To the east of the property are largely wooded areas. To the immediate south of the property is the Church of the Little Flower building and parking lot, with more residential properties beyond that. The Light Industrial (LI) Zone sits to the northeast of the site.



*Figure 18: Zoning Map of the Library Property (Block 1301, Lot 26)*



*Figure 19: Library Property (Block 1301, Lot 26) and Surrounding Properties*

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

## 1.4 History of the Township Library

The Library is a pre-existing non-conforming structure constructed approximately 86 years ago. The Mt. Carmel Society built their first hall on the site in 1925, which operated as the first Catholic Church within Berkeley Heights until the Little Flower Church was completed in 1930. In 1952, the Mt. Carmel Society sold the hall to the town and the Library was established in the building. After construction and additions to the building ten years later, the Library tripled from its original size, and it was rededicated in 1966. While the interior has changed significantly since the time of its dedication, few exterior improvements occurred.



*Figure 20: 1961 Plat of the Property*

## 1.5 Architectural Needs Study

The Township had retained an architectural firm to evaluate the existing Library building and site improvements in 2015<sup>10</sup>. The COLF has represented that the overall size of the existing building is sufficient to accommodate the needs of the Church and that no substantial exterior renovations of the existing building would be necessary to accommodate the Church's use of the building.

On November 10, 2015, Monsignor Harms from the COLF attended a Township Council meeting and made an informal presentation during the Conference Session. Mon. Harms indicated that the church's vision for the Library property would involve internal renovations only and that no expansion or building additions were anticipated for the Library Property.

Subsequent meetings between the Township Planner and the COLF reinforced the notion that the COLF would be looking to renovate the existing Library building into a new COLF Parish center which would include parish offices, classrooms for religious education, and ancillary and

<sup>10</sup> Berkeley Heights Municipal Complex Town Hall Meeting prepared by GRA Architects and Arcari + Iovino Architects PC, September 22, 2014, Slides A-1 thru A-4.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

supporting services related to the Church's mission. Having the religious education classrooms and church offices located adjacent to the existing church would allow the Church to consolidate the uses offered to the community at one central location, which in turn would also eliminate travel back and forth between the Upper Campus site.

## **1.6 Adoption of a Redevelopment Plan**

In accordance with the Local Redevelopment and Housing Law, NJAC 40:12A-7:

No redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or both, according to criteria set forth in section 5 or section 14 of P.L. 1992, c. 79 (C40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- (2) Proposed land uses and building requirements in the project area.
- (3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- (5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the County in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (C.52:18A-196 et al.).

The Redevelopment Plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c. 291 (C.40:55D-1 et seq.). The Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the Redevelopment Plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

## **2.0 Relationship to Township Planning Objectives**

### **2.1 Goals and Objectives of the 2007 Township Master Plan**

New Jersey's redevelopment statute requires that "all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan." The Berkeley Heights Redevelopment Plan is written to incorporate the major goals, objectives and concepts of the Master Plan. The Township Planning Board adopted a Land Use Plan Element of the Master Plan in September, 2007.

Within the Executive Summary, the Master Plan states that the Township has been, "proactive in the preparation of planning studies and reports which are valuable tools and references to guide future growth and development."<sup>37</sup> Therefore, the Study Area and its potential redevelopment plan would help to promote and continue growth and development towards which the Township has been striving. The Redevelopment of the Library Property compliments and adheres to the goals of the Township Master Plan.

#### **2.1.A. Goals and Objectives of the 2007 Master Plan – Land Use Plan Element**

Important planning considerations in the Land Use Element that apply to the redevelopment plan include the following:

- Assure that future site development is compatible with the existing pattern of single family residential, commercial, office/research, light industrial, and public uses, including open space in the community.<sup>11</sup>
- Encourage redevelopment of frequently vacant or antiquated/obsolete buildings, and encourage façade improvement for existing buildings.<sup>12</sup>
- Encourage mixed-use, sustainable development that incorporates compact and "green" building design, with adequate transportation options to reduce reliance on cars.
- Develop zoning that reflects existing development patterns and supports appropriate infill development.
- Encourage the development of commercial and civic uses serving the whole population, including children and teenagers.

#### **2.1.B. Goals and Objectives of the 2007 Master Plan - Circulation and Parking Element**

Important planning concepts in the Circulation and Parking Element that are applicable to the Berkeley Heights Redevelopment Plan.

---

<sup>11</sup> Township of Berkeley Heights Master Plan, 2007, Page 33

<sup>12</sup> Township of Berkeley Heights Master Plan, 2007, Page 34

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

- Evaluate existing pedestrian linkages throughout the Township between existing land uses (residential, commercial, institutional, open space, etc.) and the various community facilities.
- Explore shared privately owned parking lots, particularly on weekends.
- Improve the use of all available parking, both public and private.
- Improve traffic circulation.
- Identify potential changes in circulation patterns and signalization to improve traffic flow and promote implementation of those changes.

## **2.2 Relation to Township Land Use Procedures Ordinance**

The Library Property is located in the OL Open Land Zone District. The following are the Open Land Zone District Regulations as contained under Section 6.3.7 of the Township of Berkeley Heights Municipal Land Use Procedures Ordinance:

### **A. Permitted Principal Uses:**

1. Public parks, playgrounds, swimming pools, golf courses, and other recreational areas whether developed or undeveloped.
2. Public buildings and public and private schools and grounds.
3. Municipal buildings, parks, playgrounds, and other governmental uses.
4. Public and private reservations and conservations areas.

### **B. Permitted Accessory Uses:**

1. A dish antenna provided it:
  - a. Conforms to the rear and side yard setback requirements;
  - b. Is not in the front yard or between the street line and a line drawn at the front; façade of the principal building extended to the sidelines of the property;
  - c. Has reflectors no larger than sixteen (16) feet in diameter; and
  - d. Does not exceed twenty (20) feet in height at the highest point of the structure in any position.
- e. No Roof Installations Are Permitted

### **C. Conditional Uses:**

1. Towers and/or antennae for wireless communications including cellular telephones, pagers, beepers, personal communication services and the like and related equipment and structures.

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

## D. Height, Area, and Bulk Requirements

### 1. See Schedule of General Requirements

The bulk requirements for the OL Open Land Zone District are as follows:

| <b>Table 2: Bulk Requirements<br/>Open Land (OL) Zone District</b>                                      |                              |
|---------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Item</b>                                                                                             | <b>Permitted or Required</b> |
| Minimum Lot Area                                                                                        | ---                          |
| Minimum Lot Width                                                                                       | ---                          |
| Minimum Lot Depth Front Yard                                                                            | ---                          |
| <i>Principal Building</i>                                                                               |                              |
| Minimum Setback Principal Building Front Yard                                                           | 100 feet                     |
| Minimum Setback Principal Building Rear Yard                                                            | 40 feet                      |
| Minimum Setback Principal Building Side Yard                                                            | 40 feet                      |
| <i>Accessory Building</i>                                                                               |                              |
| Minimum Setback Accessory Building Front Yard                                                           | 100 feet                     |
| Minimum Setback Accessory Building Back Yard                                                            | 40 feet                      |
| Minimum Setback Accessory Building Side Yard                                                            | 40 feet                      |
| Maximum Building Height                                                                                 | 40 <sup>a</sup> feet         |
| Maximum Permit Coverage Bldg.                                                                           | NA                           |
| Maximum Permit Coverage Other                                                                           | NA                           |
| Maximum Permit Coverage Comb                                                                            | NA                           |
| <sup>a</sup> May be seventy-five (75) feet with a three hundred (300) foot minimum setback in all yards |                              |

## 2.3 Goals and Objectives of the Redevelopment Plan

The Goals and Objectives of the Library Property Redevelopment Plan are as follows:

- Advance the Goals and Objectives of the Township Master Plan adopted September, 2007;
- Incorporate the feedback received from the Community input, Town Hall Meetings, and meetings with the COLF officials;
- Preserve the potential forested wetland areas on the property;
- Provide sufficient off-street parking spaces for all Church offices and classroom facilities on the site, as well as making this parking available for use by the adjacent Church of the Little Flower at 310 Plainfield Ave;
- Incorporate green building technologies into the site improvements and the building design to the extent practicable;
- Rehabilitate and renovate the existing Library Building to present day construction code standards and ADA standards;

## **A Redevelopment Plan for the Berkeley Heights Library**

---

*Township of Berkeley Heights, Union County, New Jersey*

- Reinforce the spatial relationship between the Library building, which will now become the COLF Parish offices and religious education classrooms, and the existing COLF Church located on the adjacent property at 310 Plainfield Ave;
- Consolidate the COLF uses at one centralized campus that will allow for a direct link within walking distance between the existing Church located at 310 Plainfield Avenue and the new COLF parish center.
- Reduction of vehicle trips between all COLF owned buildings and uses;
- Increase pedestrian connections between the COLF Church and Parish Center to create a safe and walkable linkage between the uses; and
- Encourage shared parking facilities between the COLF Church and the new Parish Center.



# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **3.0 Redevelopment Area Land Use Plan**

### **3.1 Permitted Uses in the Township Library Redevelopment Area**

#### **3.1.A Permitted Principal Uses:**

1. Municipal Libraries, offices, educational uses;
2. Meeting rooms and public and private schools and grounds;
3. Parks, playgrounds and other recreational areas whether private or public; and
4. Public and private conservations areas.

#### **3.1.B Permitted Accessory Uses:**

1. All Church-related activities, including but not limited to: community and social programs and events, such as food pantry/kitchen and housing homeless families periodically throughout the year;
2. Attached garages and common detached garages;
3. Shared parking lots, surface parking, driveways and aisles with Block 1301, Lot 21 at 310 Plainfield Ave;
4. Storage buildings, sheds;
5. Active and passive recreational facilities;
6. Common outdoor public or private spaces and plazas;
6. Green Building Techniques and Green Roofs;
8. Gardens;
9. Solar canopy array or roof mounted systems; and
10. Private roadways, streets and driveways.

#### **3.1.C Conditional Uses:**

1. Architectural height extensions (as described under Section 7.1.5.C(2) - Conditional Uses Enumerated, Downtown Development Zone of the Township of Berkeley Heights Land Use Procedures Ordinance).
2. Public utility uses.

## **3.2 Building, Area, and Yard Requirements**

The Redevelopment Plan shall comply with the building, area and yard requirements as outlined under Table 3.

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

| <b>Table 3:</b><br><b>Berkeley Heights Township Library Redevelopment Area</b><br><b>Zoning &amp; Design Standards, Building, Area, and Yard Requirements</b> |                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>Project Requirements</b>                                                                                                                                   | <b>Required or Permitted</b> |
| <i>Floor Area Ratio</i>                                                                                                                                       |                              |
| Maximum Gross Floor Area Ratio (FAR)                                                                                                                          | 0.25                         |
| <i>Lot Dimensions</i>                                                                                                                                         |                              |
| Minimum Lot Area                                                                                                                                              | 1.4 acre                     |
| Minimum Lot Width                                                                                                                                             | 150 Feet                     |
| Minimum Lot Depth                                                                                                                                             | 350 Feet                     |
| <i>Principal Building Setbacks</i>                                                                                                                            |                              |
| Front Yard – Plainfield Avenue                                                                                                                                | 17 Feet                      |
| Rear Yard                                                                                                                                                     | 40 Feet                      |
| Side Yard – Residential Use                                                                                                                                   | 40 Feet                      |
| Side Yard – Religious Use                                                                                                                                     | 0 Feet                       |
| <i>Accessory Building Setbacks</i>                                                                                                                            |                              |
| Front Yard – Plainfield Avenue                                                                                                                                | 100 Feet                     |
| Rear Yard                                                                                                                                                     | 40 Feet                      |
| Side Yard – Any Residential Use                                                                                                                               | 40 Feet                      |
| Side Yard – Religious Use                                                                                                                                     | 0 Feet                       |
| <i>Principal Building Height Standards</i>                                                                                                                    |                              |
| Maximum Building Height                                                                                                                                       | 40 feet <sup>13</sup>        |
| Maximum Number of Stories                                                                                                                                     | 3 Stories <sup>14</sup>      |
| <i>Accessory Building Height Standards</i>                                                                                                                    |                              |
| Maximum Building Height                                                                                                                                       | 25 feet                      |
| Maximum Building Height                                                                                                                                       | 2 stories                    |
| <i>Maximum Permitted Coverage</i>                                                                                                                             |                              |
| Maximum Permitted Coverage                                                                                                                                    |                              |
| Building                                                                                                                                                      | 20 Percent                   |
| Other                                                                                                                                                         | 55 Percent                   |
| Combined Coverage (total)                                                                                                                                     | 75 Percent                   |

| <b>Table 4:</b><br><b>Off-Street Parking Requirements</b>               |                   |
|-------------------------------------------------------------------------|-------------------|
| Minimum number of parking spaces to be maintained on Lot 26, Block 1301 | 35 Parking Spaces |

<sup>13</sup> Chimneys, cupolas, and other corner architectural elements shall be encouraged provided such shall not exceed the permitted height for the district by more than fifteen (15) percent.

<sup>14</sup> Floors constructed below grade shall not be considered a story for the purposes of satisfying the permitted number of stories. A third floor, if constructed, shall be constructed within the roof line of the building so as to give the appearance of a 2.5 story building from the street level.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **3.3 Off-Street Parking Spaces, Driveways, Aisles, and Traffic**

Parking, Driveways and Loading Spaces shall comply with Part 11 of the Township Land Use Procedures Ordinances with the following exceptions:

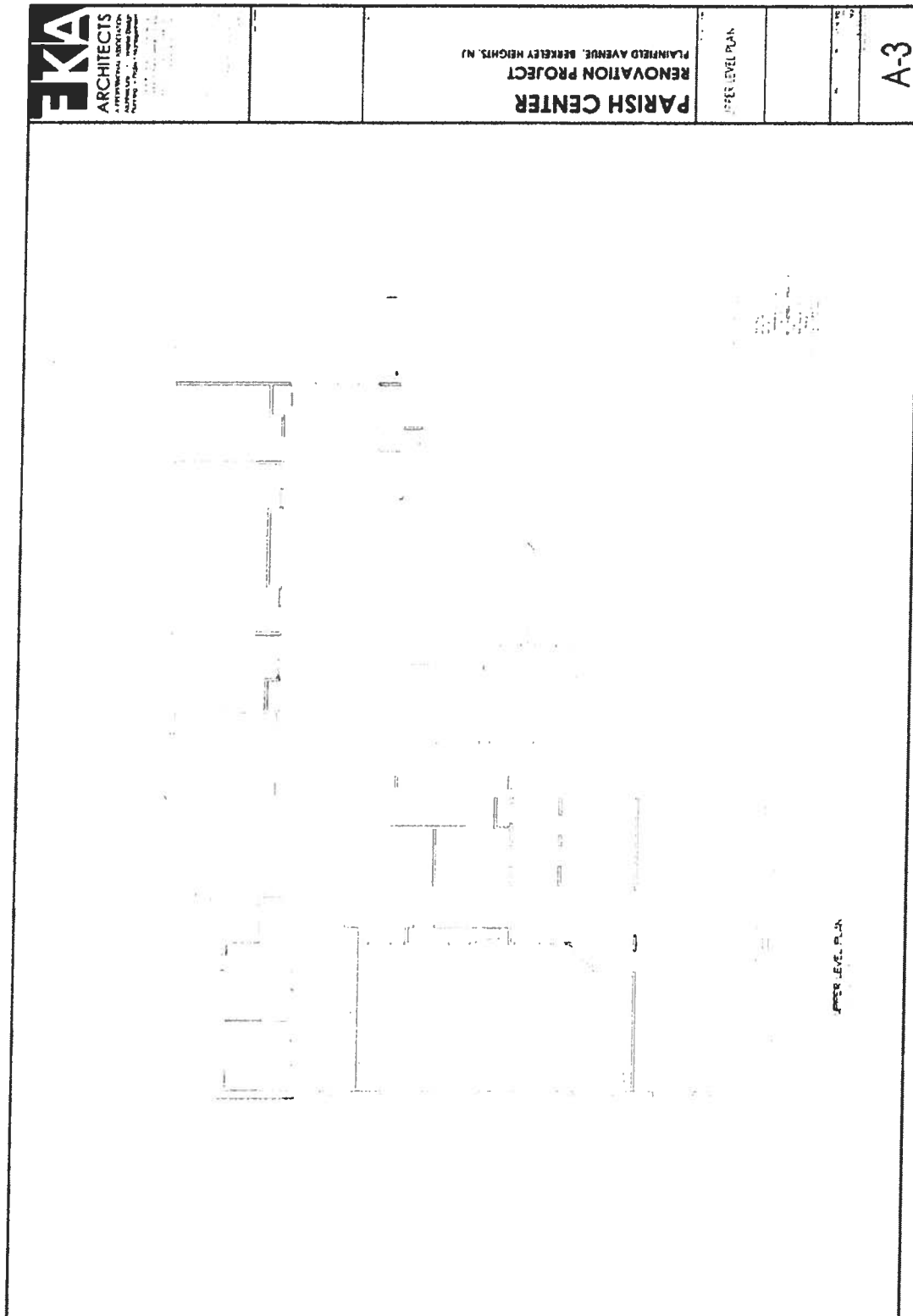
1. The minimum number of off-street parking spaces provided within the redevelopment area shall be as described in Table 4.
2. A minimum buffer strip of at least five feet (5') in width shall be provided between the redevelopment area and any residential use or residential zone.
3. No driveways, roads or streets, whether public or private, shall be permitted to be constructed to Bolton Boulevard or any other public right-of-way other than Plainfield Avenue.
4. A Traffic Circulation Plan shall be provided depicting the turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on street parking spaces or driveways.
5. Fire lanes and restricted parking areas shall be provided as directed by the Township Fire Official.
6. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the Traffic Circulation Plan.
7. All areas designated for truck circulation, deliveries, customer parking and employee parking shall be paved with an asphalt or concrete material.
8. A traffic and parking study shall be prepared to evaluate the need for off-site and off-tract improvements along Plainfield Avenue.
9. The Township Council may authorize a de minimus design waiver from Section 3.3 of the Redevelopment Plan without the need for amending the Redevelopment Plan as described under Section 8.2.

## **3.4 Development Regulations**

The following conceptual drawings have been provided by the Church professional team and prepared by FKA Architects. These conceptual drawings propose no new construction or exterior structural additions. Renovations will be an entirely interior adaptive reuse of the building. It is understood that these renderings are conceptual in nature and are subject to further refinement during the architectural and civil engineering design phase of the redevelopment project.

# A Redevelopment Plan for the Berkeley Heights Library

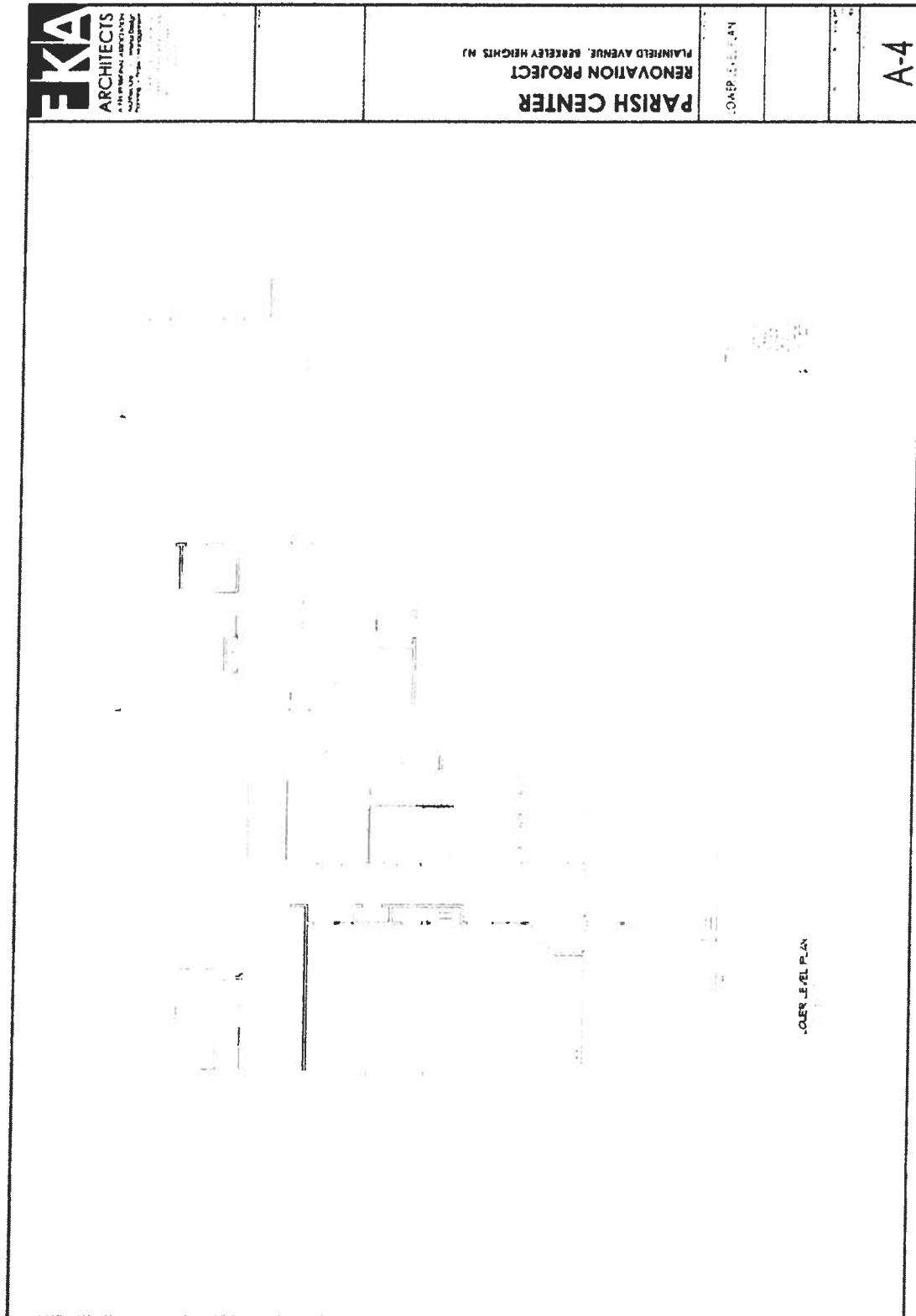
*Township of Berkeley Heights, Union County, New Jersey*



*Figure 21: Parish Center Renovation Project Upper Level Plan*

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*



*Figure 22: Parish Center Renovation Project Lower Level Plan*

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **3.5 Building and Architectural Design Standards and Programming**

The Redevelopment of the Library Property will not entail any exterior demolition or new construction, and will largely include interior renovations. The materials on the exterior of the building will likely remain, with minor aesthetic improvements to the building façade more in line with maintenance than structural additions or improvements.

## **3.6 Redevelopment Area Phasing Plan**

This Redevelopment Plan envisions the rehabilitation and renovation of the existing Library property and associated site improvements as outlined in this Plan will be constructed within one phase. It is estimated that construction would be completed over a period of one (1) year.

## **3.7 Pedestrian Access and Improvements**

This Redevelopment Plan presents the opportunity to enhance streetscape between the site, Lot 26, and the existing site of the COLF, Lot 21. Now that the two properties are adjacent and contiguous, a strong pedestrian linkage should be created and encouraged between the two church uses.

## **3.8 Open Space and Environmental Considerations**

The western portion of the property is fully developed with the existing Library building, asphalt parking lot and associated walkways and site improvements. The eastern portion of the property is an undeveloped wooded area and may contain the presence of freshwater wetlands, transition areas, streams, ditches, and/or other areas which may regulated by the New Jersey Department of Environmental Protection (DEP). Any future development of the undeveloped portion of the property will require a comprehensive environmental study and the required regulatory permits from the DEP.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **4.0 Redevelopment Area Site Planning and Design Standards**

### **4.1 Design Considerations and Standards**

The existing structure will remain on the site, with no new structures or additions proposed. Thus, the site plan exists as is and normal site plan considerations do not pertain to the project. In the event that additional equipment is placed on site, the following considerations and standards must be met:

1. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.
2. All electronic communication equipment shall be screened from view. Said equipment shall be located so as to minimize or eliminate the need for screening.
3. All mechanical equipment shall be screened from view, both from the street and existing or planned neighboring buildings. The screening shall not impair the functioning of the equipment.

#### **4.1.A Screening of Above-Grade Parking**

All off-street parking areas that face public streets or face properties that include residential uses shall be screened from view with low-level evergreen landscaping.

#### **4.1.B Screening of Back Room Uses, Storage Facilities, and Trash**

1. Any "back room" facilities on any level shall be screened from view of public streets with landscaping, fencing, or a combination of both.
2. Trash and recycling bins, sheds, and storage areas shall be enclosed at the sides and top and located either indoors or outdoors at a minimum of 10 feet from any street or property line. All trash enclosures located outdoors shall be constructed with the same building materials used for the main building.

### **4.2 Green Design and Elements**

The adaptive re-use of the Library building is an inherent step towards sustainability, and any other measures taken during interior reconstruction are encouraged to incorporate principles of green building into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Broadly speaking, green building design goals include reduced energy and water use; use of sustainable, renewable, non-toxic and locally produced materials; improved indoor air quality; environmentally-conscious site planning; and a location in a central, developed area with

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

existing services and resources.

## **4.2.A Sustainability**

Goal: Encourage the incorporation of sustainability principles into both private development and public infrastructure projects

Objectives:

- Encourage “green” development standards and projects that are designed in conformance with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. It is not recommended that this project obtain LEED certification, however it is recommended that this redevelopment project is designed to satisfy the goals and objectives of the LEED rating system.
- Encourage universal design to be integrated early on into any public or private development.
- Reduce impervious surface areas and encourage the use of “green” roofs.
- Encourage transit, pedestrian and bicycle-friendly development and roadways.<sup>15</sup>

## **4.2.B Berkeley Heights Adoption of Sustainability Ordinance**

The Township of Berkeley Heights adopted an ordinance on April 22, 2014 addressing the concept of green design and environmental sustainability within the municipality. The Township Council developed the ordinance with a vision of a greener and more sustainable Berkeley Heights, including redevelopment projects such as this one. The ordinance was established so that prospective developers could incorporate green design and sustainability into their plan and design for downtown redevelopment. It is a goal and objective of this Redevelopment Plan to set a standard for all future redevelopment projects in the Township to design and construct or rehabilitate existing buildings and structures using sustainable building materials.

## **4.3 Signage**

Institutional identity signage includes free-standing signs or signs attached to buildings that help to identify the Church and are important for visitors both familiar and unfamiliar with the site. The signage on site should be compliant with Township Sign Standards (*Part 5*), and signs between the two properties should be consistent and help guide visitors between them.

## **4.4 Environmental Site Remediation**

After having researched various sources of environmental information for 290 Plainfield Avenue, no known environmental hazards, violations, or cases were associated with the site. All

---

<sup>15</sup> Township of Berkeley Heights Master Plan, 2007, Page 46-47



## **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

websites listed below were used within the search process, but no information appeared. All of the websites used and their corresponding titles appear below.

New Jersey Department of Environmental Information: <http://www.state.nj.us/dep/>

- Open Public Records Act Request: <http://www.nj.gov/dep/opra/>
- Data Miner: <http://www.nj.gov/dep/opra/online.html>
- Data Miner Electronic Report Finder: [http://www.nj.gov/dep/opra/report\\_finder.html](http://www.nj.gov/dep/opra/report_finder.html)
  - Known Contaminated Site List: <http://www.nj.gov/dep/srp/kcsnj/>
  - Active Site Remediation Cases
  - Compliance and Enforcement
  - Violations
  - Engineering and Institutional Controls: Deed Notices, Classification Exception
  - Areas
  - Landfills
  - Active UST Remediation Cases

United States Environmental Protection Agency: <http://www.epa.gov/>

- Freedom of Information Act Request: <http://www.epa.gov/foia/submission.html>
- Superfund / RCRA Sites: [http://www.epa.gov/region02/cleanup/sites/njtoc\\_name.htm](http://www.epa.gov/region02/cleanup/sites/njtoc_name.htm)
- EnviroMapper/EnviroFacts: <http://www.epa.gov/emefdata/em4ef.home>

Miscellaneous:

- Sanborn Maps/Aerials (Historic Uses): Environmental Data Resources, Inc.
- <http://www.edrnet.com/>

To the extent required by law, the Church (or designated Redeveloper of the project) shall retain a Licensed Site Remediation Professional (LSRP) who will oversee the renovation of the existing buildings and structures to ensure the site complies with applicable rules and regulations pertaining to site remediation as regulated by the State of New Jersey Department of Environmental Protection (NJDEP).

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

## **5.0 Redevelopment Area Transportation and Circulation Plan**

### **5.1 Pedestrian Access and Circulation**

As noted in the Pedestrian Access and Improvements section (*Section 3.8*) of this plan, this Redevelopment Plan presents the opportunity to enhance streetscape between the site, Lot 26, and the existing site of the COLF, Lot 21. The Redevelopment should include a strong pedestrian linkage between the two church uses to encourage parking in lots on either site and walking in between. The Church should encourage shared parking on Lots 21 and 26. 1. No driveways, roads or streets, whether public or private, shall be permitted to be constructed to Bolton Boulevard or any other public right-of-way other than Plainfield Avenue.

## **6.0 Plan Consistency Review**

### **6.1 Relationship to Berkeley Heights Zoning Code**

This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Berkeley Heights regulating development in the area addressed by this Redevelopment Plan. Final adoption of this Plan by the Town Council shall be considered an amendment of the Township of Berkeley Heights Zoning Map.<sup>16</sup>

The zoning district map in the zoning ordinances of the Township shall be amended to include the boundaries described in the Redevelopment Plan and the provisions therein. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern.

### **6.2 Relationship to Adjacent Municipalities**

The redevelopment area is located in the central/western part of Berkeley Heights Township along Plainfield Avenue. The surrounding Municipalities include: The Borough of New Providence, Long Hill Township, Chatham Township, Borough of Watchung, Warren Township, Mountainside Boro, Summit City, and Scotch Plains Township.

#### **i. Borough of New Providence**

The Borough of New Providence is located northeast of Berkeley Heights and is connected mainly via Springfield Avenue and Mountain Ave. Springfield Avenue is largely residential when first entering New Providence. New Providence will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

---

<sup>16</sup> Hoboken Western Edge Redevelopment Plan, 20 September 2010, 52

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **ii. Township of Long Hill**

The Township of Long Hill is located northwest of Berkeley Heights and is connected via Springfield Avenue. Springfield Avenue turns into Valley Road upon entering the Village of Gillette, which is a district of Long Hill Township. will not be affected by the Berkeley Heights Township Library Redevelopment Plan. Long Hill will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **iii. Chatham Township**

Chatham Township is located directed north of Berkeley Heights and is connected via Snyder Ave, which turns into Bridge Ave as you enter Chatham. Only the very southern tip of Chatham touches Berkeley Heights, which is Passaic River Park that traverses between the two towns. Chatham will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **iv. Borough of Watchung**

The Borough of Watchung is located along the most of the southwest portion of Berkeley Heights. Plainfield Ave runs north to south and continues from the Southern portion of Berkeley Heights into Watchung. The north west of Watchung stretches along I-78, which bisects the two municipalities and buffers residential development on either side of the expressway. The north eastern portion of Watchung that touches Berkeley Heights is adjacent to the Connell Company Corporate Campus and is separated by Valley Road. Watchung will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **v. Warren Township**

Warren Township is located along the westernmost portion of Berkeley Heights, and is connected via Emerson Lane to the south and Mountain Ave to the north. Mountain Ave splits as it enters into Warren and continues south as Mountain Ave, and briefly turns into Hillcrest Rd until it reaches Long Hill. Warren will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **vi. Mountainside Boro**

Mountainside Boro is located along the southeast portion of Berkeley Heights and is connected only by the Watchung Reservation. Mountainside will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **vii. Summit City**

Summit City is located along the easternmost tip of Berkeley Heights and is mainly connected via I-78 and the Watchung Reservation. Governor Livingston High School and

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

its associated athletics fields is located in Berkeley Heights, but it sits on the border between Summit and Berkley Heights. Summit will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **viii. Scotch Plains Township**

Scotch Plains Township is located to the south of Berkeley Heights and is connected by the Watchung Reservation and Valley Road, which becomes Sky Top Drive as it enters the Reservation. Scotch Plains will not be affected by the Berkeley Heights Township Library Redevelopment Plan.

## **6.3 Relationship to Union County Master Plan**

“The Union County Master Plan has a variety of planning goals and objectives designed to address major issues and influences that impact Union County’s housing, land use, transportation/circulation and economic development. The County goals and objectives recognize the interrelationships of related policies of municipalities, regional agencies and the State regarding the future development of Union County”.<sup>17</sup>

The Union County Master Plan sets guidelines for the municipalities of Union County and aims to spur economic growth through commercial, residential and transportation development. The Union County Master Plan promotes development and redevelopment consistent with surrounding areas while revitalizing “older suburban areas through...commercial adaptive reuse...upgrading of community infrastructure, and upgrading transportation and transit facilities.”<sup>18</sup>

The Library Property Redevelopment Plan is consistent with the Union County Master Plan, in that it aims to promote redevelopment of an aging suburban downtown through beautification and planning efforts.

## **6.4 Relationship to State Development and Redevelopment Plan**

All of the properties in the redevelopment area are mapped within the Metropolitan Planning Area PA I as depicted on the New Jersey State Development and Redevelopment Plan. “In the Metropolitan Planning Area, the State Plan’s intention is to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl; protect the character of existing stable communities.”<sup>19</sup>

In 2001, the New Jersey State Planning Commission adopted The New Jersey State Development and Redevelopment Plan. A Final Draft of the State Development and

---

<sup>17</sup> Union County Master Plan: June 1998 featured in 2007 Berkeley Heights Master Plan, Michael Mistretta of Harbor Consultants, Inc., 76.

<sup>18</sup> Union County Master Plan: June 1998, 1-3 – 1-4.

<sup>19</sup> State Development and Redevelopment Plan, New Jersey State Planning Commission, adopted March 1, 2001, page 190.

# A Redevelopment Plan for the Berkeley Heights Library

*Township of Berkeley Heights, Union County, New Jersey*

Redevelopment Plan was reissued in 2010. The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must *encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities; reduce sprawl; and promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. (N.J.S.A. 52:18A-196. et seq.)*

The general redevelopment plan strategy is to achieve all the State Planning Goals by coordinating public and private actions to guide future growth into compact, ecologically designed forms of development and redevelopment, and to protect the Environs, consistent with the Statewide Policies and the State Plan Policy Map.

The New Jersey State Plan Policy Map integrates the two critical spatial concepts of the State Plan—Planning Areas, and Center and Environs—and provides the framework for implementing the Goals and Statewide Policies. Each Planning Area has specific intentions and Policy Objectives that guide the application of the Statewide Policies. The Policy Objectives ensure that the Planning Areas guide the development of location of Centers and protect the Environs. Applying the Statewide Policies through the State Plan Policy Map will achieve the goals of the State Planning Act.

According to the New Jersey State Development and Redevelopment Plan, the Library Property Redevelopment Area is located in the Metropolitan Planning Area, PA1. PA1 provides for much of the state's future redevelopment: revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. As the name implies, the communities in this Planning Area often have strong ties to, or are influenced by, major metropolitan centers—the New York/Newark/Jersey City metropolitan region in the northeastern counties. The investment in passenger rail service in the Metropolitan Planning Area is represented by over 130 stations on eleven (11) heavy rail lines, two (2) rapid transit lines, two (2) light rail lines, and one (1) subway line.

Over the years, both the public and private sectors have made enormous investments in building and maintain a wide range of facilities and services to support these communities. The massive public investment is reflected in thousands of miles of streets, trade schools and colleges, libraries, theaters, office buildings, parks and plazas, transit terminals and airports. Most of these communities are fully developed, or almost fully developed, with little vacant land available for new development. Much of the change in land uses, therefore, will take the form of redevelopment. These communities have many things in common: mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond or approaching their reasonable life expectancy; the need to rehabilitate housing to meet ever changing market standards; the recognition that redevelopment is, or will be the not-too-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal restraints. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has

## **A Redevelopment Plan for the Berkeley Heights Library**

---

*Township of Berkeley Heights, Union County, New Jersey*

attracted significant immigration, resulting in noticeable changes in demographic characteristics over time.

The redevelopment designation for this study area is consistent with and will reinforce the goals and objectives of the State Development and Redevelopment Plan.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **7.0 Redevelopment Actions**

### **7.1 Demolition**

The Redevelopment Plan will not involve any building demolition. The existing Library building will remain and will be renovated and rehabilitated by the COLF as discussed in this Plan. The rehabilitation and renovation of the Library building will involve interior demolition and may include the demolition of existing building materials, structures and/or site improvements as needed for the project to meet current construction codes and as noted on the site plan drawings to be prepared by the COLF.

### **7.2 New Construction**

The Redevelopment Plan will involve new construction and renovation of the interior of the existing Library building as well as exterior improvements including but not limited to the renovation of building materials and the upgrade of building and site improvements to meet construction codes and regulatory permit agency requirements.

### **7.3 Properties to be Acquired**

This Redevelopment Plan will not involve the taking of any privately owned property.

### **7.4 Relocation**

No residents will need to be relocated to complete this redevelopment plan. However, because the redevelopment of this site is expected to span a one to two year period, the COLF may evaluate the need for a continuity of operations at an offsite location. The COLF may determine that there is a need for temporary office space and adaptable classroom space to serve the community at large, as well as its own community of students, employees, and parishioners at an offsite location during the renovation and construction of the new parish offices and classrooms on the Library Property as described within this redevelopment plan. Alternatively, the COLF may enter into a lease back agreement for the temporary use of the upper campus property (100 Roosevelt Avenue, Lot 19, Block 1301) if agreeable to the Township of Berkeley Heights.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **8.0 General Provisions**

### **8.1 Role of the Township of Berkeley Heights**

#### **i. Redeveloper Selection**

In order to assure that the vision of the Library Property Redevelopment Plan will be successfully implemented in an effective comprehensive and timely way and in order to promptly achieve the public purpose goals of the Redevelopment Plan, the Township Council, would first need to designate the Church of the Little Flower as the Redeveloper for this Plan. The Church of the Little Flower would then be required to execute a Redevelopment Agreement satisfactory to and authorized by the Township Council.

### **8.2 Approvals Process**

This Redevelopment Plan changes the process by which approvals for the development of land are typically granted. For a typical development application, a property owner submits plans and an application to the Planning Board or Zoning Board of Adjustment, and the board schedules a hearing on the application. However, in order to comply with this Redevelopment Plan and to streamline the review process, the following procedure will be followed:

#### **i. Township Council Review**

The Township Council acting as the Redevelopment Entity shall review all proposed redevelopment projects within the redevelopment area to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board. As part of its review, the Township Council may require the redeveloper(s) to submit proposed site plan applications to the Township Council or to a subcommittee organized by the Township Council prior to the submission of such applications to the Planning Board. Such Committee may include members of the Township Council and any other members and/or professionals as determined necessary and appropriate by the Township Council. Such Committee shall make its recommendations to the Mayor and Council.

In undertaking its review, the Township Council shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

#### **ii. Planning Board Review Process**

All development applications shall be submitted to the Township of Berkeley Heights Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the



# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

Township Council as a redeveloper(s) and the project plan has not been reviewed and approved by the Township Council. Additionally, the Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Township Council or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.

### **iii. Variances & Design Waivers**

Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the terms and requirements of this Redevelopment Plan, including the granting of any “c” or “d” variances. Unless otherwise specified in this Plan, any proposed changes to the Redevelopment Plan shall be in the form of an amendment to the Redevelopment Plan adopted by the Township Council in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

### **8.3 Easements**

No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Township Council.

### **8.4 Site Plan Review**

#### **i. Site Plan and Subdivision Review**

Site plans should be submitted to the Township Council (as redevelopment agency) for approval prior to review and approval by the Planning Board. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Township Planning Board.

#### **ii. Approvals by Other Agencies**

The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redeveloper’s Agreement to be executed between the redeveloper and the Township.

#### **iii. Certificate of Completion and Compliance**

Upon the inspection, verification and approval by the Township Council that the redevelopment of a parcel subject to a Redevelopment Agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

## **iv. Severability**

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

## **v. Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

## **vi. Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Township Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color or national origin.

## **vii. Infrastructure and Public Improvements**

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Township and the redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

## **viii. Duration of the Plan**

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Township Council.

## **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

---

### **ix. Procedure for Amending the Approved Plan**

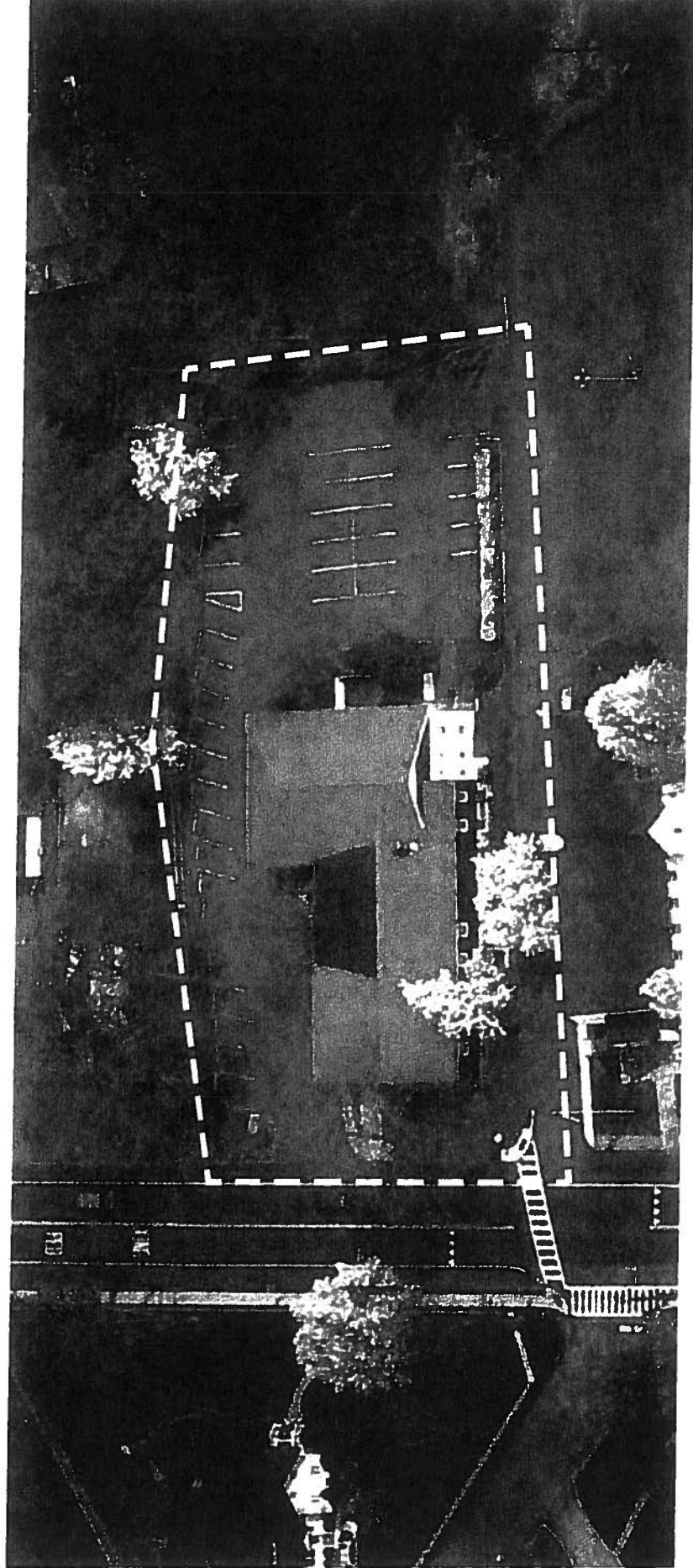
The Township of Berkeley Heights Township Council, at its sole discretion, may amend the Redevelopment Plan from time to time upon compliance with the requirements of state law.

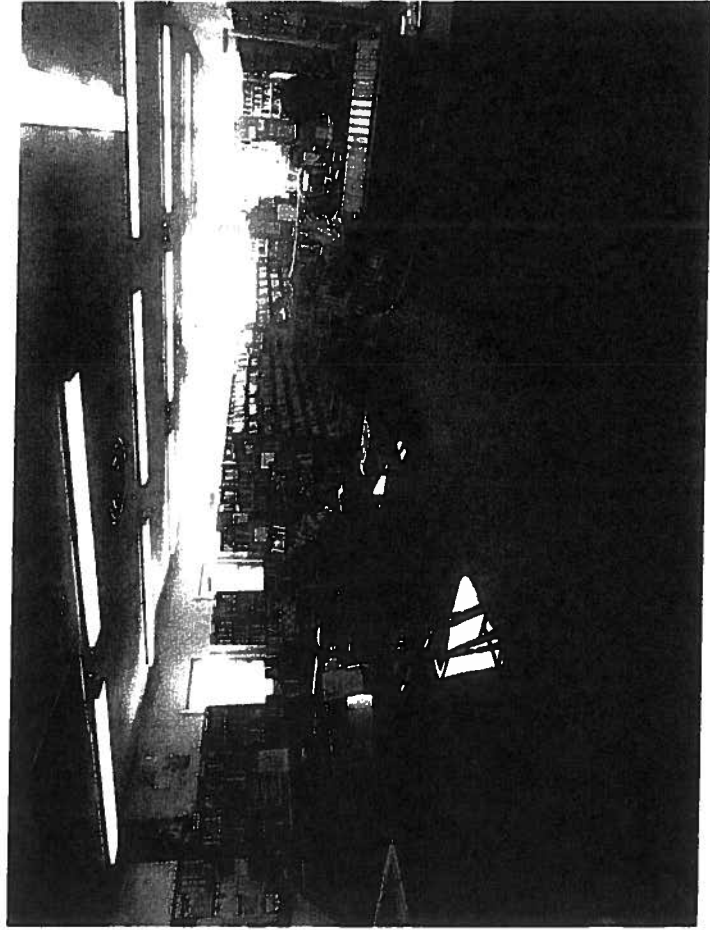
# **A Redevelopment Plan for the Berkeley Heights Library**

*Township of Berkeley Heights, Union County, New Jersey*

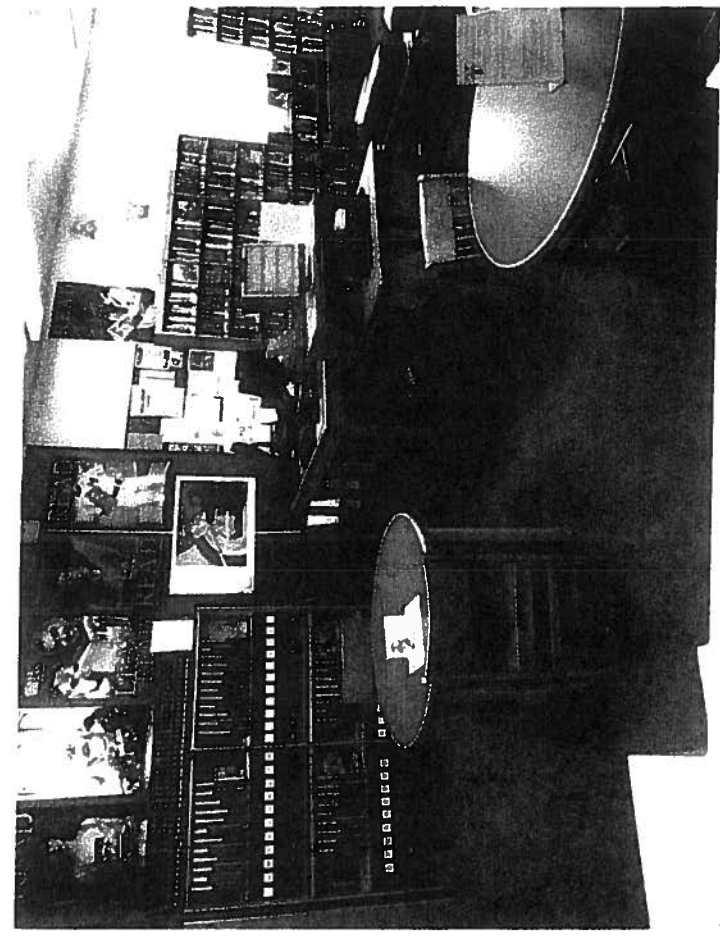
---

## ***Exhibits***

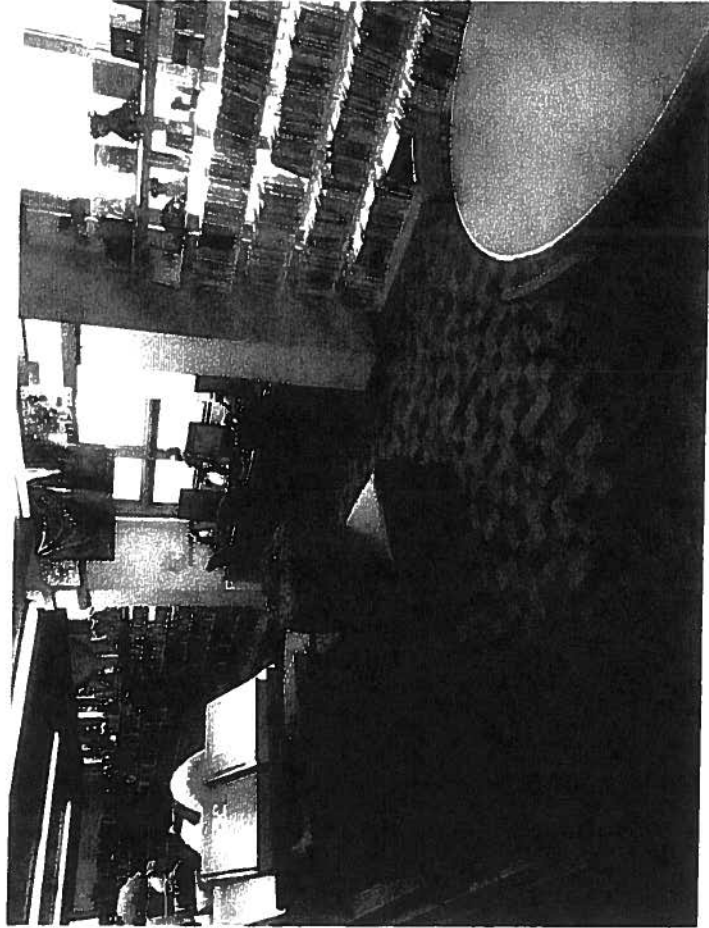




BRARY MAIN COUNTER



LIBRARY PERIODICALS



BRARY CHILDREN'S STORY AREA



BASEMENT LARGE CONFERENCE ROOM

*Barrier-Free / ADA Items*

1. Main entrance parking space positioned along slope and distant to entrance
2. Main entrance ramp into building appears too steep
3. No vertical accessibility (elevator) within building
4. Door knobs to be replaced with levers
5. All doors to be min. 36" wide

*Safety / Security Items*

6. Three main entrances are difficult to monitor
7. Meeting room and storage area is out of staff view and accessed from children's area
8. Asbestos in attic at piping and in floor tile at meeting room
9. Rear exterior stair in need of upgrade

*Energy Items*

10. Windows are single-pane non-insulated types
11. AC system at children's area not working
12. HVAC upgrades throughout building are needed
13. Power and data outlets needed throughout
14. Electrical wiring, devices and switches need upgrading at meeting room area

*General / Functional Items*

15. 2-story layout is inefficient for staff
16. Meeting room has low ceilings, columns affecting useable space, loud HVAC
17. Water infiltration at side entrance appears at concrete block wall
18. Lack of staff office space and storage
19. Additional seating and furniture upgrades needed at adult's area
20. Sewage backs up into children's area at old bathrooms – last event was hurricane Irene



Department: **Library**  
Representative: Stephanie Bakos, Director  
Date of Interview: 12/14/2012

### Staffing Level

Current: 6 full time, 16 part time, and 4 pages  
Previous 5 years: no significant difference  
Future 5 to 10 years: no significant difference

Primary Dept. Interaction: minimal interaction with other municipal depts.

Hours of Operation: M-TH 9am-9pm, F-Sat 9am-5pm, Sun 2pm-5pm

Public Interaction Rate: 250 persons/day

### Public Interaction Type and Concerns:

Public libraries accommodate the full range of demographic. The staff serves a large building area thus go sightlines within the spaces and minimal hidden spaces are essential for safety and good service.

### Parking

Department Vehicles: 0  
Staff Vehicles: 12  
Public Vehicles:  $13,000\text{sf} / 400\text{sf} = 32.5$  (33 cars)

### Storage Needs

Active (daily access): file cabinets  
Inactive (long term): file/storage for books, furniture, displays, etc.

Special Equipment: public computers, printer, and copy equipment  
self check-out station

## Miscellaneous:

1. Meeting Room needed for 100 people, used mostly on weekends; smaller groups of 40 on weeknights and occasional 50-60 for children's programs
2. Small quiet spaces / conference room needed
3. More seating throughout
4. Program or area at Children's space needed
5. Staff workspaces are all at Tech Area
6. A single check-out point ideal
7. Plan for a self check-out position
8. 9 Internet and 3 opac computers at Adult's area; (5 Internet and 3 early learning computers at Children's area. More are needed.
9. Collection: 13,300AV; 55,000 Adult; 32,000 Juvenile. (Totals are expected to be reduced by 10%)
10. Difficult ADA compliance at current library
11. Storage Area needs to be better
12. IT Room / closet needed
13. Need restrooms at Children's & Staff areas
14. Improved parking

## Rooms/Spaces Required and Estimated Area.

*Note that these room sizes do not include corridors, mechanical spaces, other support spaces and wall thicknesses that contribute to the overall gross area calculation.*

|                                       |      |      |
|---------------------------------------|------|------|
| director                              |      | 180  |
| bookkeeper                            |      | 120  |
| technical staff                       |      | 320  |
| adult area                            |      | 4000 |
| <i>fiction</i>                        | 750  |      |
| <i>non-fiction</i>                    | 1250 |      |
| <i>young adult</i>                    | 500  |      |
| <i>seating / computers</i>            | 750  |      |
| <i>reference / reading</i>            | 750  |      |
| children's area                       |      | 2050 |
| <i>collection</i>                     | 1300 |      |
| <i>seating / computers</i>            | 500  |      |
| <i>programs</i>                       | 250  |      |
| circ desk / workspace                 |      | 300  |
| lobby                                 |      | 200  |
| meeting room - large (100p) w/closets |      | 1500 |
| conference room - small (12p)         |      | 320  |
| quiet study room (4p)                 |      | 120  |
| computer lab                          |      | 240  |
| Public restrooms                      |      | 240  |
| staff lounge, lockers, and restrooms  |      | 350  |
| storage                               |      | 250  |

**CONCEPTUAL DESIGN SUBTOTAL - 10,190 GSF**

[INCLUDES 30% GROSSING FACTOR] **CONCEPTUAL DESIGN TARGET - 13,250 GSF**

**MEMORANDUM OF UNDERSTANDING**

**BY AND BETWEEN**

**TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY**

**AND**

**THE CHURCH OF THE LITTLE FLOWER**

**REGARDING**

**LAND EXCHANGE**

**IN**

**THE TOWNSHIP OF BERKELEY HEIGHTS  
COUNTY OF UNION, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Berkeley Heights (the "Township") and the Church of the Little Flower ("Little Flower") have negotiated the exchange of land in the Township of Berkeley Heights; and

**WHEREAS**, the Township owns the property identified as Block 1301, Lot 21, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"); and

**WHEREAS**, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the "Little Flower Property"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

**WHEREAS**, any lands to be conveyed to the Township in exchange for Township land shall be valued at no more than the "full and fair value" determined for the land; and

**WHEREAS**, the Township shall provide cash consideration where the lands to be conveyed by the Township is less than lands to be conveyed to the Township, and the Township's acquisition is more advantageous to the Township for public use than the lands to be conveyed from the Township, and it is in the public interest that such exchange of land be consummated; and

**WHEREAS**, the Township and Little Flower negotiated the exchange of the Library Property and the Little Flower Property, along with all improvements thereon; and

**WHEREAS**, the Township and Little Flower each obtained an independent appraisal of the Library Property and the Little Flower Property; and

**WHEREAS**, the parties agree that based on the analysis of the appraisals obtained, value of the Library Property is \$1,486,257.00, and the Little Flower Property is \$4,331,621.20; and

**WHEREAS**, the value of the Little Flower Property exceeds the value of the Library Property by the sum of \$2,845,000.00; and

**WHEREAS**, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Berkeley Heights Public Library; and

**WHEREAS**, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex; and

**WHEREAS**, the Township and Little Flower wish to enter into this Memorandum of Understanding setting forth the general terms of the proposed land exchange, setting forth the various contingencies in connection therewith, with the specific terms and conditions of said transfer of land to be further negotiated and agreed to in additional agreements.

**NOW, THEREFORE**, for and in good and valuable consideration in hand paid, receipt of which is hereby acknowledged, and in consideration of the mutual covenants and obligations hereinafter set forth, the Township and Little Flower hereby set forth in this Memorandum of Understanding that the following general terms shall apply to the future exchange of the Library Property and Little Flower Property pursuant to the terms and conditions set forth herein as follows:

1. The Township agrees to transfer the Library Property, in addition to the payment of the sum of \$2,845,000.00, to Little Flower for and in exchange of the receipt of the Little Flower Property, subject to the following contingencies:

- a. The Township's final adoption of a redevelopment plan and sale of the existing Township municipal complex pursuant to the redevelopment plan.
- b. The Township entering into an agreement with the Library for the utilization of the statutory millage towards the purchase and development of the Little Flower Property.
- c. Township's final adoption of a bond ordinance, along with any requisite public referendum approving same, to fund the purchase and development of the Little Flower Property as the new Township municipal complex and public library.
- d. Due diligence inspections of the Little Flower Property, including, without limitation, wetlands delineations, title insurance, and environmental and structural deficiencies.
- e. Final resolution of any and all litigations and appeals of any of the actions and approvals of the Township and any of its boards, commissions or committees, provided that such resolution does not invalidate or bar any such Township action or approval, or the expiration of the applicable Statute of Limitation

appeal period in connection with same.

2. Little Flower agrees to transfer the Little Flower Property to the Township for and in exchange of the receipt of the Library Property, in addition to the acceptance of the sum of \$2,845,000.00, subject to the following contingencies:

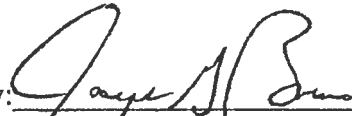
- a. Little Flower's receipt of final approval of the transaction from the Archdiocese.
- b. Little Flower's collection and receipt of sufficient funding to complete its development of the worship space (310 Plainfield Avenue, Berkeley Heights, New Jersey) and the Library Property.
- c. Due diligence inspections of the Library Property, including, without limitation, wetlands delineations, title insurance, and environmental and structural deficiencies.

IT IS further the understanding of the parties that the Township and Little Flower hereby agree that this transaction is governed by the express and implied covenants of good faith and the parties agree to treat each other accordingly in the further negotiation and preparation of the Contract of Sale for the transfer and exchange of the Library Property and Little Flower Property. This Memorandum of Understanding is subject to standard terms and conditions that are customary and standard in a contract to sell real estate; said terms include, but are not limited to, good and marketable title insurable at regular rates. The Library Property and Little Flower Property, along with the improvements thereon, are to be transferred and accepted by the parties "AS IS."

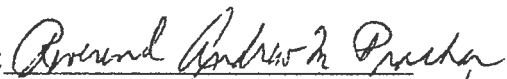
IT IS further the understanding of the parties that this Memorandum of Understanding is only to set forth the parties understanding of the general terms of the proposed land exchange of the Library Property and Little Flower Property. Nothing herein shall bind or otherwise restrict the parties from negotiating and agreeing to the specific terms and conditions of the transfer and exchange of the properties herein identified, except that the general terms set forth herein. This Memorandum of Understanding shall expire on April 1, 2015, unless the parties enter into a binding contract for sale for the Library Property and the Little Flower Property, which includes the terms set forth herein, or otherwise extended by agreement of the parties in writing.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates set forth herein below.

TOWNSHIP OF BERKELEY HEIGHTS

By:   
Name: Joseph Bruno  
Title: Mayor

THE CHURCH OF THE LITTLE FLOWER

By:   
Name: Reverend Andrew M. Prachar 6/18/14  
Title: Pastor

Agenda Item No.: -

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights (the "Township") and the Church of the Little Flower ("Little Flower") have discussed and negotiated the potential exchange of land in the Township of Berkeley Heights; and

**WHEREAS**, the Township owns the property identified as Block 1301, Lot 21, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"); and

**WHEREAS**, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the "Little Flower Property"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

**WHEREAS**, any lands to be conveyed to the Township in exchange for Township land shall be valued at no more than the "full and fair value" determined for the land; and

**WHEREAS**, the Township shall provide cash consideration where the lands to be conveyed by the Township is less than lands to be conveyed to the Township, and the Township's acquisition is more advantageous to the Township for public use than the lands to be conveyed from the Township, and it is in the public interest that such exchange of land be consummated; and

**WHEREAS**, the Township and Little Flower negotiated the exchange of the Library Property and the Little Flower Property, along with all improvements thereon; and

**WHEREAS**, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Berkeley Heights Public Library; and

**WHEREAS**, the Township and Little Flower each obtained an independent appraisal of the Library Property and the Little Flower Property; and

**WHEREAS**, based on the analysis of the appraisals obtained, the value of the Little Flower Property exceeds the value of the Library Property by the sum of \$2,845,000.00; and

**WHEREAS**, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex; and

**WHEREAS**, the Township and Little Flower wish to enter into a Memorandum of Understanding setting forth the general terms of the proposed land exchange, setting forth the various contingencies in connection therewith, with the specific terms and conditions of said transfer of land to be further negotiated and agreed to in additional agreements; and

**WHEREAS**, the Memorandum of Understanding, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with the attorney for Little Flower Church; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township to enter into the Memorandum of Understanding with Little Flower Church setting forth the terms of the potential land swap, along with setting forth the contingencies for same.

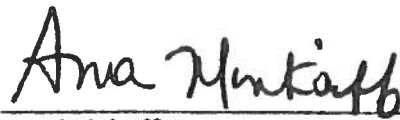
**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Memorandum of Understanding setting forth the terms and conditions of the potential land exchange with Little Flower Church, along with the contingencies in connection with same.
2. If the Township determines to proceed with the land exchange with Little Flower Church, the Township and Little Flower Church shall negotiated and enter into a binding Contract for Sale of Real Property that shall set forth all the terms and conditions of the land exchange. No funds shall be expended or appropriated for this land exchange until such Contract is negotiated, executed and the sale is authorized by appropriate resolution and ordinance.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law

**APPROVED** this 8th day of July, 2014.

**ATTEST:**



Ana Minkoff  
Township Clerk

| ROLL CALL   |  | AYE | NAY | ABSTAIN | ABSENT |
|-------------|--|-----|-----|---------|--------|
| DELA        |  |     | ✓   |         |        |
| HALL        |  | ✓   |     |         |        |
| KINGSLEY    |  | ✓   |     |         |        |
| PASTORE     |  | ✓   |     |         |        |
| PIRONE      |  | ✓   |     |         |        |
| WOODRUFF    |  | ✓   |     |         |        |
| TIE:        |  |     |     |         |        |
| MAYOR BRUNO |  |     |     |         |        |



**MEMORANDUM OF UNDERSTANDING**

BY AND BETWEEN

**TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY**

AND

**THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF BERKELEY HEIGHTS**

REGARDING

**LAND EXCHANGE WITH THE LITTLE FLOWER CHURCH**

**IN**

**THE TOWNSHIP OF BERKELEY HEIGHTS  
COUNTY OF UNION, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Berkeley Heights (the "Township") and the Church of the Little Flower ("Little Flower") have negotiated the exchange of land in the Township of Berkeley Heights; and

**WHEREAS**, the Trustees of the Free Public Library of Berkeley Heights (the "Trustees") is the governing body of the Free Public Library of Berkeley Heights (the "Library"); and

**WHEREAS**, the Library is currently situated at the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, (the "Library Property"); and

**WHEREAS**, the Township owns the Library Property in fee, which is under the use and control by the Trustees of the Library provided the property is used for Library purposes pursuant to state statute; and

**WHEREAS**, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the "Little Flower Property"); and

**WHEREAS**, the potential land swap of the Library Property for the Little Flower Property will substantially affect the operation of the Library; and

**WHEREAS**, the Township and the Library have discussed the potential terms of the land swap, including the potential development of a new library premises on the Little Flower Property; and

**WHEREAS**, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Library; and

**WHEREAS**, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex, and the consent and agreement of the Library to the land swap; and

**WHEREAS**, the Township and the Library wish to enter into this Memorandum of Understanding setting forth the **general understanding** between the Township and Library with regard to the disposal of the existing Library Property, the continuation of Library services during the transition and development period, and the location of the Library in the new municipal complex on the Little Flower Property, with the specific terms and conditions to be further negotiated and agreed to in a future agreement.

**NOW, THEREFORE**, the Township and the Library hereby set forth the following general terms that shall apply to the future exchange of the Library Property and Little Flower Property:

1. The Library agrees and consents to the transfer of the Library Property for the Little Flower Property, subject to the following terms and conditions:
  - a. The Township showing the financial ability to complete the exchange of land as well as the development of the Little Flower property.
  - b. The Township completing the transfer of properties with Little Flower, obtaining ownership of the Little Flower Property, and developing/construction of the library space on the Little Flower Property pursuant to plans to be approved by the Library.
  - c. The Library is able to arrange for the continuation of Library services, consistent with the Library's mission, as much as possible, at a location and level satisfactory to the Trustees, for the period of time commencing at the time the current Library Property is closed to the public and ending at the time the new Library space opens to the public, (the "Transition"); this includes both a physical and virtual (digital) presence.
  - d. The Township shall work with the Library to obtain reasonable storage space for the Library property during the Transition, including the potential use of storage space on Township property.
  - e. The Township and Library shall mutually agree on the date the Library Property is to be vacated, which date shall be no less than ninety (90) days from the date of agreement.

- f. The Library Director, Stephanie Bakos, shall be designated as the liaison with the Township and its professionals in connection with the development and construction of the library portion of the Little Flower Property.
- g. The Library shall have meaningful opportunity to review and provide its input on the design of the library portion of the Little Flower Property. Final design of the library portion of the Little Flower Property shall be subject to the approval of the Library. The Library shall have access to the Township's Architects through the Township.
- h. The Library, Little Flower, and the Township agreeing to a mutually agreeable schedule regarding the timing of the land swap, schedule of construction at the Little Flower Property, and the Transition.

2. The Township agrees to transfer the Library Property for the Little Flower Property pursuant to the terms of an agreement between the Township and Little Flower, and to develop/construct a portion of the Little Flower Property for use by the library pursuant to plans that are subject to the approval by the Library, subject to the following terms and conditions:

- a. The Library shall reasonably work with the Township, including the provision of all required documentation and approvals that the Township may need in order to complete the transfer of the Library Property for the Little Flower Property, as well as the development of the Little Flower Property.
- b. The Library shall encourage the Library Foundation to engage in fundraising efforts to assist in the cost of the project.
- c. The Library's statutory millage will be used for the operation of the Library during the Transition, including but not limited to the costs of the Library set forth in the subparagraph (e) below. The millage may only be directed toward the project consistent with state laws and regulations. At this point, the availability of any funding from the millage is only theoretical.
- d. The agreement between the Township and the Library shall contain an estimate of the Library's proposed usage of the millage leading up to, during, and immediately following the Transition period and an estimate of the amount that may be available for use towards the development of the Little Flower Property, consistent with New Jersey statutes.
- e. The Library shall utilize its own funding for the moving and temporary storage expenses of the Library and its property.
- f. The Library agrees to only maintain staff reasonably required during the Transition, which shall be funded by the Library.

3. The Township and the Library shall ultimately enter into an agreement for the Library governing the portion of the Little Flower Property designated for the library use as well as common areas shared between the Library and the Municipality. Such agreement shall set forth the terms and conditions and relationship between the Township and Library with regard to the use and operation of the new library in the municipal complex on the Little Flower Property, including, without limitation, the use and control over the library space, the hours of operation and access to the library, and the management, use and maintenance of common areas. Consistent with statute, the Trustees shall govern the new Library, although the parties acknowledge that they shall make joint decisions regarding common areas used by both the Municipality and the Library.

The Township and the Library hereby agree to act in good faith in the negotiation and preparation of a more formal agreement to set forth the specific terms of the interaction between the Township and the Library with regard to the land swap, the continuation of Library Services in the Township during the Transition, and the agreement governing the library space and common areas on the Little Flower Property after the Transition.

IT IS further the understanding of the parties that this Memorandum of Understanding is only to set forth the parties understanding of the general terms of interaction of the Township and Library in connection with the proposed land exchange of the Library Property and Little Flower Property. Nothing herein shall bind or otherwise restrict the parties from negotiating and agreeing to the specific terms and conditions of the relationship and ultimate agreement between the parties.

IT IS further the understanding of the parties that this Memorandum of Understanding, along with any future agreement with the Library, may be subject to the approval of the State Librarian, as may be required by law.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates set forth herein below.

TOWNSHIP OF BERKELEY HEIGHTS

TRUSTEES OF THE FREE PUBLIC  
LIBRARY OF BERKELEY HEIGHTS

By: \_\_\_\_\_  
Name: Joseph Bruno  
Title: Mayor

By: \_\_\_\_\_  
Name: Leslie Kaltenbach  
Title: President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

99-2015

Agenda Item No.: 2

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, in connection with the Township of Berkeley Heights investigation of a potential land transaction with the Little Flower Church for the relocation of the Township's municipal complex and public library, the Township finds it appropriate to commence the process to determine if the Township owned property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"), and the property owned by the Little Flower Church, identified as Block 1301, Lot 19, consisting of approximately 15.6± acres, located along Hamilton Avenue, and all or a portion of Township owned properties located along Snyder Avenue, identified as Block 208, Lot 38, Lot 39 and Lot 40, consisting of approximately 12.176 +/- acres, (collectively the "Study Area"), are in need of redevelopment, and to develop a redevelopment plan for same; and

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, pursuant to P.L. 2003, Chapter 159, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a 'Non-Condernnation Redevelopment Area') or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a 'Condernnation Redevelopment Area'); and

**WHEREAS**, the Township Council of the Township of Berkeley Heights finds it to be in the best interest of the Township and its residents to authorize the Township Planning Board to undertake such preliminary investigation of the Study Area as a Non-Condernnation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, in the County of Union, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Harbor Consultants, Inc., pursuant to the notice, hearing and other requirements of the Local Redevelopment and Housing

Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended, in order to recommend to the Township Council whether the properties identified as Block 1301, Lots 19, and 26 and all of a portion of Block 208, Lots 38, 39, 40, in the Township of Berkeley Heights, or any portion thereof, are areas in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.


**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L.2013, c.159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also know as a "Non-Condernnation Redevelopment Area."

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Township Planning Board.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 21<sup>st</sup> day of April, 2015.

**ATTEST:**



Ana Minkoff  
Township Clerk

| ROLL CALL      | AYE | NAY | ABSTAIN | ABSENT |
|----------------|-----|-----|---------|--------|
| DELIA          |     | ✓   |         |        |
| FAECHER        | ✓   |     |         |        |
| HALL           | ✓   |     |         |        |
| KINGBLEY       | ✓   |     |         |        |
| PASTORE        | ✓   |     |         |        |
| PHONE          | ✓   |     |         |        |
| TIE:           |     |     |         |        |
| MAYOR WOODRUFF |     |     |         |        |

**PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS**

**RESOLUTION**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL"), authorizes municipalities to determine whether certain parcel(s) of land situated within the municipality constitute an area in need of redevelopment; and

**WHEREAS**, pursuant to the LRHL, no parcel(s) of land shall be declared an area in need of redevelopment without the municipality having first authorized its planning board, by way of resolution, to undertake a preliminary investigation to determine whether the subject parcel(s) meet the statutory criteria of an area in need of redevelopment as defined in the LRHL; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights ("Township Council"), by way of Resolution No. 99-2015, adopted on April 21, 2015, authorized the Township of Berkeley Heights Planning Board ("Board") to undertake a preliminary investigation of the area consisting of Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33+(-) acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"), and the property owned by the Little Flower Church, identified as Block 1301, Lot 19, consisting of approximately 15.6+(-) acres, located along Hamilton Avenue, and all or a portion of Township owned properties located along Snyder Avenue, identified as Block 208, Lot 38, Lot 39 and Lot 40, consisting of approximately 12.176+(-) acres, or any part thereof, as identified on the Official Tax Map of the Township of Berkeley Heights, (collectively the "Study Area"), to determine if the Study Area meets the criteria set forth in the LRHL and should be designated as an area in need of redevelopment except that any redevelopment area determination shall not authorize the Township of Berkeley Heights to exercise the power of condemnation or eminent domain to acquire any property in the delineated area; and

**WHEREAS**, on May 6, 2015, the Board considered, upon referral from the Township Council, Resolution No. 99-2015 and voted to authorize Harbor Consultants to prepare a map of the Study Area, including a statement setting forth the basis for the investigation, the preparation of a map of the Study Area, and to perform a preliminary investigation of the Study Area to determine whether the Study Area is an area in need of non-condemnation redevelopment pursuant to the LRHL; and

**WHEREAS**, the Board took action to authorize Harbor Consultants to prepare a map of the Study Area, including a statement setting forth the basis for the investigation, the preparation of a map of the Study Area, and to perform a preliminary investigation of the Study Area to determine whether the Study Area is an area in need of non-condemnation redevelopment pursuant to the LRHL at the meeting on May 6, 2015 and this Resolution constitutes a memorialization of that action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Township of Berkeley Heights on this 6th day of May, 2015, hereby memorializes by this Resolution the action taken by the Board on May 6, 2015 authorizing Harbor Consultants, Inc., to prepare a map of the Study Area, a statement setting forth the basis for the investigation and conduct a preliminary investigation of the Study Area to determine whether the Study Area meets the criteria set forth in the LRHL and should be designated as an area in need of non-condemnation redevelopment.

**BE AND THE SAME IS HEREBY AUTHORIZED BY THE BOARD**

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Planning Board of the Township of Berkeley Heights on May 6, 2015.

  
\_\_\_\_\_  
Connie Valenti, Secretary

Motion to Approve: Mr. Einbinder

Second: Mayor Woodruff

Ayes: Mr. Einbinder, Mr. Johnson, Mayor Woodruff, Mr. Niceforo,  
Mr. Beal, Mr. Bocchino, and Mr. Cunningham

Nayes: None

Abstentions: None

Absences: Mr. Monaco, Mr. Graziano, Mr. Pirone, and Ms. Perna



**PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS**

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF BERKELEY HEIGHTS PLANNING BOARD RECOMMENDING THAT THE PROPERTY IDENTIFIED AS BLOCK 1301, LOT 19; BLOCK 1301, LOT 26; BLOCK 208, LOT 38; A PORTION OF BLOCK 208, LOT 39; AND A PORTION OF BLOCK 208, LOT 40 BE DESIGNATED AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT.**

**A. Introduction**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of non-condemnation redevelopment, as described in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Council of the Township of Berkeley Heights ("Council"), by Resolution No. 99-2015, directed the Township of Berkeley Heights Planning Board ("Board") to undertake a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40, as shown on the Township of Berkeley Heights Tax Map ("Study Area"), constitute an "area in need of non-condemnation redevelopment" in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, on May 6, 2015, the Board authorized the undertaking of the investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and authorized Michael J. Mistretta, P.P., of Harbor Consultants, Inc. ("Planning Consultant") to prepare a Preliminary Investigation Report ("Study") of the Study Area; and

**WHEREAS**, the Planning Consultant prepared a Study, dated August, 2015, which details the findings and recommendations relevant to whether the Study Area should be designated as an "area in need of non-condemnation redevelopment;" and

**WHEREAS**, the Board published notice of its scheduled consideration and public hearing regarding the Study in the official newspaper, and provided notice to the Township of Berkeley Heights Clerk, the property owner and interested parties: Camille Aragona, Cosema Crawford, Thomas Foregger, Vincent James Freda and Carol Matula, in accordance with the Redevelopment Law; and

**WHEREAS**, with notice having been provided, and all jurisdictional requirements of the Redevelopment Law having been met, the Board has jurisdiction over the proceeding; and

**WHEREAS**, on September 16, 2015, the Planning Consultant made a presentation of the Study, along with his findings and conclusions, to the Board; and

**WHEREAS**, the Board did not receive any written comments or written objections to the Study prior to the close of the public hearing on September 16, 2015; and

**WHEREAS**, the Board, after carefully considering the evidence presented by the Planning Consultant, the Study, and all evidence submitted at the public hearing, made the following factual findings and conclusions of law:

**B. Testimony**

1. The Planning Consultant appeared before the Board, having been sworn and qualified as an expert in professional planning, and presented the Study to the Board.

2. The following documents were admitted into evidence and relied upon by the Board in making its determination:

| <u>Exhibit</u> | <u>Description</u>                                                                                         |
|----------------|------------------------------------------------------------------------------------------------------------|
| PB-1           | Affidavit of Service                                                                                       |
| PB-2           | Redevelopment Study Area Map - Township Snyder Avenue Properties                                           |
| PB-3           | Redevelopment Study Area Map - Township Library Property and Little Flower Church - Hamilton Avenue Campus |

PB-4 Preliminary Investigation Report of the Church of the Little Flower - Hamilton Avenue Campus, Township Library Property and Snyder Avenue Properties, Volume 1

PB-5 Referenced Documents (Under Separate Cover), Volume 2.

3. Also admitted into evidence were the following proffered by Thomas Foregger:

PB-6 2015 Financial Disclosure Statement for Richard F. Niceforo

PB-7 Property Record Details as of January 10, 2015 Richard and Diane Niceforo, 579 Plainfield Avenue, Berkeley Heights, New Jersey

PB-8 Church of Little Flower Bulletin, dated May 16, 2010

PB-9 Church of Little Flower Bulletin, dated December 4, 2011.

#### FINDINGS OF FACT

##### C. Description and History of Study Area

4. The Planning Consultant investigated the land development characteristics of the Study Area.

5. The Study Area consists of all or a portion of five (5) parcels of land in the Township of Berkeley Heights. The area of the five parcels is a total of approximately 27.8 acres based on municipal tax records. The Study Area consists of Block 1301, Lot 19 (110 Roosevelt Avenue); Block 1301, Lot 26 (290 Plainfield Avenue); Block 208, Lot 38 (41 Snyder Avenue); a portion of Block 208, Lot 39 (31 Snyder Avenue); and a portion of Block 208, Lot 40 (21 Snyder Avenue). The Study Area is noted as five (5) parcels of land, which are located in different sections of the Township. The three (3) parcels of land located along Snyder Avenue (Block 208, Lots 38, 39, and 40) are known as the Snyder Avenue properties. To the south of the Snyder Avenue properties are the other two (2) parcels of land in the Hamilton Avenue School Campus (Block 1301, Lot 19), and the Township Library (Block 1031, Lot 26). The Township owns the Snyder Avenue properties and the Library property. The Archdiocese of Newark owns the Church of the Little Flower -

Hamilton Avenue Campus property (Block 1301, Lot 19).

i. Snyder Avenue Properties

6. Snyder Avenue runs alongside the eastern edge of the Snyder Avenue properties. The Snyder Avenue properties are located within a diverse area of land, utilized for various purposes. Directly across Snyder Avenue from the three parcels of land are residential properties and the Passaic River Park, which is part of the Union County Park System. The park rests along the Passaic River, which also runs north of the Study Area and the Sewage Treatment Plant. Across the Passaic River is the Township of Chatham in Morris County.

7. The Township designated the Snyder Avenue properties for affordable housing development in accordance with the Council on Affordable Housing ("COAH") Third Round Rules. The 2008 Housing Element and Fair Share Plan calls for fifty-seven (57) units of affordable senior housing identified as "Snyder Senior Housing" on Block 208, Lots 38 and 39, excluding Lot 40.

8. Lots 38 and 39 on Snyder Avenue are considered Planning Area PA1 also known as a Special Resource Area Designation under the State Development and Redevelopment Plan ("SDRP"). Under the SDRP, PA1 is considered land that, "encourage[s] development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and...discourage[s] development where it may impair or destroy natural resources." The goals of developing the Snyder Avenue properties are to revitalize the area through economic growth, preserve and add to the greenery in the area, provide sufficient public facilities and resources to the area, and provide an environmental impact analysis to ensure that the area is not environmentally sensitive, contaminated, and has not been designated as historically or architecturally important. Designation of these parcels as a Redevelopment Area remains consistent with the recognition as a site for affordable housing, because for an affordable housing development to be viable, a Payment in Lieu of Taxes ("PILOT") Program, Tax Abatement Program or tax credits may be necessary to assist with financing.

9. Without the designation of an area in need of non-condemnation redevelopment, potential developers will remain discouraged from undertaking the improvements necessary to construct an affordable housing development on the Snyder Avenue properties. Specifically, the Redevelopment Law authorizes the

municipality to (1) prepare a Redevelopment Plan that will serve as an overlay zone, (2) negotiate a PILOT with a prospective developer and (3) offer a Tax Abatement Program as an incentive to construct a 100% affordable housing development on the property.

10. The Snyder Avenue properties consist of three (3) properties, two (2) of which are partially developed with the Township Sewage Treatment Plant and the other containing a single family home.

11. The existing topographic conditions of the Snyder Avenue properties ranges from a low point of elevation 211 near the northern most corner of the overall tract to elevation 246 at the southernmost corner of the tract. The 35 foot rise in elevation across the property encourages the use of the property as a single parcel in order to minimize the use of and height of retaining walls systems which could result in a cost prohibitive design if the properties were developed individually.

12. The undeveloped portions of Lot 40 and the undeveloped Lot 38 equal an area of approximately 90,000 square feet of vacant, unproductive municipal lands which, when combined with Lot 39 will create an overall tract of land containing approximately 125,000 square feet. As the parcels exist now, their piecemeal nature with scattered development discourages the undertaking of any improvements on the properties. As the parcels exist now, they are isolated at the northernmost part of the Township, there is a 35 foot rise in elevation across the property, and most of the land cannot be developed on the scattered acreage that remains in between other development.

13. By assembling the parcels and portions of parcels from Block 208, Lots 38, 39, and 40, a comprehensive and contiguous property will be created. This overall tract will provide an opportunity for a productive use of municipal land by relieving the property of irregular shape, isolation, and unproductive nature. In addition, redevelopment will relieve the prohibitive conditions that have caused their stagnant state with a range of flexible financing options and design criteria.

14. The current configuration of the undeveloped portions of Lot 40 and Lot 39 render these publically owned tracts of land as unproductive land that discourage the undertaking of development because of their location, topography, irregular shape, and isolated nature. In their current state, these three tracts will remain in an isolated and irregular condition that

will continue to result in a stagnant and unproductive condition of land that could otherwise be useful and valuable for contributing to and serving the public health, safety, and welfare of the Township.

**Lot 40, Block 208 of the Snyder Avenue Properties**

15. Lot 40 is a parcel which has been substantially developed as the Township Sewage Treatment Plant. That portion of Lot 40 that has been developed as the Sewage Treatment Plant is not part of the Study Area. The irregularly shaped parcel has been made more difficult for future development because of the Sewage Treatment Plant situated in the center of the parcel, leaving two extending pieces of undeveloped land along the southern portion of the parcel and along Snyder Ave. These two irregular and isolated extensions of undeveloped portions of Lot 40 are the areas being considered as part of the Study Area, identified as Parcels A and B of Lot 40 on the Study Area maps.

16. While Parcels A and B are not separate tax lots, they can only be considered as such in order to work contiguously with the surrounding Lots 38 and 39. The isolated and separate portions of Lot 40 are located at the southern extension of land running along the western edge of Block 208, Lot 38 and a portion of the lot bordering the northern edge of Block 208, Lot 39, which fronts on Snyder Avenue, where the road meets the eastern entranceway into the Sewage Treatment Plant. Portions of Parcels A and B are heavily wooded areas that partially landscape the edges of Lot 40 along the southern lots. The neighboring developments have wooded buffers at the edges of the properties that back up onto Lot 40, making Parcels A and B superfluous.

17. Parcel A of Lot 40, when considered as a separate tract, is land locked and does not contain any street frontage. Access to Parcel A of Lot 40 can only be reached across Lot 38 or via the Sewage Treatment Plant. However, access through the lands developed as the Sewage Treatment Plant results in a security risk because the Sewage Treatment Plant is gated and locked to keep the public from entering the facility. Because of the unique configuration of these two undeveloped tracts of land, Parcels A and B of Lot 40 satisfy Criteria (e) of the Redevelopment Law. These two tracts of land demonstrate "[a] growing lack or total lack of proper utilization of areas caused by the condition of title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertakings of improvements,

resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety, welfare, which condition is presumed to be having a negative social or economic impact or otherwise bring detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general." The parcels' topography and irregular shape as an extension from a developed piece of land make them undesirable for development and leave the land in a stagnant and unproductive state. Lack of use of the properties that make up the Study Area represents a deleterious activity that contributes nothing to the economic well-being of the Township at large as it relates to the provision of ratables and quality housing opportunities on the site. However, when assembled with surrounding properties, these undeveloped tracts have the potential to benefit the community. Unproductive publicly owned lands can have a disparate economic impact on the community, and in contrast these parcels in particular offer an opportunity to provide and serve the Township's need for low and moderate income housing in accordance with the Township's Housing Element and Fair Share Plan.

18. Parcels A and B of Lot 40, Block 208 also satisfy Criteria (c) of the Redevelopment Law because both tracts of land are owned by the Township and have "remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality... is not likely to be developed through the instrumentality of private capital." The land has been vacant, and even after the 2008 Housing Element and Fair Share Plan identified these properties for designation of affordable housing 6 years ago, no development plans have been proposed or materialized by a private developer.

#### Lot 39, Block 208 of the Snyder Avenue Properties

19. Lot 39 is also partially developed with the Sewage Treatment Plant on the western portion of the property, as well as a single family residence with a driveway extending to Snyder Avenue on the eastern portion of the property. The rented residence is on the eastern edge of the lot and is owned by the Township. Behind the residence, a triangular-shaped, wooded portion of Lot 39 is isolated from the developed portions of the lot and can only be accessed via Lot 38.

20. This property satisfies Criteria (c) of the Redevelopment Law because it is "[l]and that is owned by the municipality...that has remained so for a period of ten years prior to adoption of the resolution, that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality or topography...is not likely to be developed through the instrumentality of private capital". Because of the nature of the Township's title and ownership of Lot 39, it has been split in use. The Sewage Treatment Plant and the residential uses on the property are separated by a barbed wire fence. The residence has become isolated from similar uses and stands alone as a single home adjacent to the municipal works use. While the parcel exists as both a Township owned single-family residence and part of the Sewage Treatment Plant, the diverse uses have made the residential use isolated and severely restricted on this parcel. These two diverse land uses create an unusual land use condition that will impede the assemblage of the Snyder Avenue properties.

21. Lot 39 also satisfies Criteria (e) because "[a] growing lack or total lack of proper utilization of areas caused by the condition of title, diverse ownership of the real properties therein or other similar conditions, which impede land assemblage or discourage the undertakings of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety, welfare, which condition is presumed to be having a negative social or economic impact or otherwise bring detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general." The residence was built in 1953 and purchased by the Township on July 11, 1979 for \$72,500. The lot has become contorted by the multiple uses on the property, causing a unique lot configuration that is restrictive to future development. According to the assessment records, the house has been assessed at \$238,000 since 1999. Construction permits and records for Lot 39 show that no improvements have been made to the residence, and it has been economically stagnant. As a residence that is isolated from any other homes or similar uses, it represents a deleterious activity that will remain stagnant and continue to discourage the undertaking of improvements. In considering Criteria (c) and (e) of the Redevelopment Law, a new assembly and arrangement of these parcels would relieve the property of its stagnant condition which has limited development potential because of the lack of access, poor design, and over use of the parcel. If this property were assembled with the surrounding parcels in the Study Area, this site would benefit the community as a potential



site for low and moderate income housing that will serve a growing need in the Township, rather than remain unproductive.

**Lot 38, Block 208 of the Snyder Avenue Properties**

22. Of the three lots which comprise the Snyder Avenue properties, the only full parcel of land, Block 208, Lot 38, is an entirely wooded, undeveloped, municipally owned lot. Lot 38 provides access to the otherwise land locked Parcel A of Lot 40 from Snyder Avenue. Lot 38 is owned by the municipality and is "unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography...is not likely to be developed through the instrumentality of private capital" satisfying Criteria (c) of the Redevelopment Law.

23. Lot 38 also is included under N.J.S.A. 40A:12A-3 because "a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part." This parcel will be virtually obsolete if left out because it is sandwiched between an existing residential development and the two developed Lots 39 and 40.

**ii. Hamilton Ave School Campus - Owned by the Church of the Little Flower - Lot 19, Block 1301**

24. The Church of the Little Flower is a Catholic Church that fronts on Plainfield Avenue. The Church neighbors the Hamilton Avenue School Campus, but is not part of the Study Area.

25. The Hamilton Avenue School Campus is situated at the intersection of Hamilton Avenue to the southeast and Roosevelt Avenue to the south, with a street address of 100 Roosevelt Avenue. The Campus sits on an approximately 14.5 +/- acre parcel identified as Lot 19, Block 1301 on the Tax Maps. After the property was purchased by the Church in 1961, the Church constructed a series of buildings on the property supported on a large expansive parking lot. Driveway access is from both Hamilton Avenue and Roosevelt Avenue. Across Hamilton Avenue from the Campus is the Township of Berkeley Heights Fire Department and undeveloped, environmentally sensitive wetlands and floodplains. To the east of the property is a multi-family

residential housing development. To the north of the property is a light industrial center. And to the west of the property is the Church of the Little Flower, which fronts on Plainfield Avenue. Separating the Hamilton Avenue School Campus from the Church is an environmentally sensitive forested parcel containing floodplains, streams and freshwater wetlands.

26. The Hamilton Avenue School Campus contains a school and a gymnasium (main building) and a parish center. South of the parish center is a small parking lot for employees and clergy members only. This small parking lot feeds into the main parking lot while also abutting the auditorium and education center. The auditorium and education center are two interconnected buildings formed in an L-shape. The auditorium faces the large parking lot while the education center faces the exits towards Roosevelt Avenue.

27. The Catholic Church in the Township of Berkeley Heights dates back to the 1930's, later becoming the Church of the Little Flower in 1955. The Church of the Little Flower was originally located on Plainfield Avenue. As the parish grew, a need emerged to construct a Catholic School that would have a capacity to educate children from the Kindergarten through 8<sup>th</sup> grade. In 1961, the Township advertised for sale the Hamilton Avenue property. The Church of the Little Flower submitted the highest bid for the property and purchased the property from the Township.

28. The Church proceeded to construct the Hamilton Avenue School Campus and operated the school from the mid-1960's until the Catholic K-8 School was closed in 1987. Although the Catholic School has since closed, the Hamilton Avenue School Campus buildings are being used and have continuously been used for educational purposes, including religious education classes.

29. In 2008 - 2009, the Church of the Little Flower retained the architectural firm of Arthur John Sikula Associates, PA "to perform a comprehensive Existing Conditions Assessment of the church [auditorium] building and education/parish center buildings together with the site immediately surrounding those buildings. In turn, AJSA retained French and Parrello Associates, PA for the civil, structural, mechanical, plumbing, fire protection and electrical engineering disciplines. The site observations were performed by AJSA and FPA on July 9, 2009."

30. The Hamilton Avenue School Campus consists of a one-story auditorium/meeting area, with a stage at one end and a balcony at the other end attached to a two-story educational/parish wing with a two story building and a one-story office area located at its main entrance. The 149-page report entitled "Existing Conditions Assessment R.C. Church of the Little Flower 110 Roosevelt Avenue, Berkeley Heights, New Jersey" ("School Report") provides an in depth engineering and architectural analysis of the condition of the buildings on the Hamilton Avenue School Campus. The School Report concludes with a twenty-three page detailed construction cost assessment outlining the urgent remediation, contingent remediation and optional remediation items that are recommended to address the construction repairs needed throughout the building and the property. The total estimated construction costs calculated in 2009 was \$3,488,071.

31. The "Structural Observations" section of the School Report details the various existing conditions and recommendations by the architect and engineers for the Hamilton Avenue School Campus. A number of structural issues with parts of the building include: the chimney, utility tunnels, the masonry walls and brick veneer, masonry concrete block, plaster soffit at the auditorium's roof.

32. The School Report notes that "the most immediate concern is the damaged masonry in both the brick veneer and concrete masonry block." The School Report details several reasons for the damage, which may arise from water getting behind the brick veneer, freezing, and then popping the brick, or other structural detailing of the building. First, there is a continuous angle supported by the roof and floor spandrel beams at the strip windows. While the drawings require flashing, no weep holes were shown on the drawings. Second, the structural drawings show the angles are to stop at the edge of the strip window openings. However, in the field it appears that the angles continue beyond the edge of the opening which allows for moisture to penetrate the veneer at these locations. Finally, the spandrel beams supporting the brick, especially at the second floor, may have rotated slightly outwards because of torsional loads which cause stresses in the brick veneer that ultimately could have led to the fractures. There are no control or expansion joints in the masonry along the long faces of the building. These joints allow movement from settlement, thermal expansion, and moisture changes. The lack of joints also caused damage to the masonry.

33. The School Report highlights that, in conjunction with a high cost for rehabilitation, the extent of the damage requires a time frame ranging from immediate to long-term repairs that include both critical remediation and contingent remediation. Within 1-5 years, the School Report recommends that all the damaged masonry be repaired. The brick should be replaced, and control/expansion joints should be provided at the outside corners of the building where the masonry has already cracked vertically. The block located above the balcony floor at the auditorium is cantilevered off of the steel beam and may require reinforcing to resist the lateral loads. Any cracking in concrete foundation walls should be repaired concurrently with the brick spandrel panels. There is apparent concrete floor slab cracking taking place at each column line of the auditorium interior, as evidenced by the fracturing of the finish floor material. This is a systemic defect in the building design and construction caused by the lack of control and expansion joints throughout the building and in this case at the floor slabs.

34. Other urgent remediation includes the removal and replacement of: all flat roofs and skylights, all steep roofs and roof accessories, re-pitched gutter trough at the auditorium roof with additional roof drains and downspouts, auditorium eave soffits with metal panels or in-kind stucco. Finally, the School Report recommends that door finish hardware is made code compliant, and that the exterior hollow metal frames and doors be replaced.

35. The School Report documented as much of the roof as possible, but most of the rafters and sheathing over the auditorium portion of the building could not be observed because of the ceiling construction. The School Report notes that the asphalt shingles appear to be over twenty (20) years old and have little of any serviceable life left. The roof is not adequately ventilated at the soffits or at the ridge and has contributed towards its deterioration. The School Report also noted that the flat roof over the classrooms leaks, especially during the winter when ice dams. The School Report recommended that once the old roof insulation is removed during any re-roofing project, the roof deck may be observed to determine if there is any structural damage to it and it can be repaired at that time.

36. The final area of concern that the School Report highlights is the moisture in the utility tunnels, where it notes that "when a hatch was opened to observe the utility tunnel a musty odor was detected".

37. The School Report also lists the conditions and recommendations for the structure's HVAC and plumbing systems in the "Mechanical, Plumbing, and Fire Protection" section. The School Report makes recommendations that the most urgent, necessary remediations to the HVAC system are: the updating of ventilation to code standards, including air conditioning of the auditorium; providing exhaust to restrooms, and to correct the bleed vent valve repairs. For plumbing, the School Report recommends that: the building be installed with roof drain protective screens and a solenoid gas valve that is interlocked to the exhaust hood fire suppression system be added. Many pipes had damaged insulation, or none at all, which should be fixed to avoid moisture and mold issues. The School Report urges that the kitchen should be used for purposes of cooking only if an exhaust hood fire suppression system is provided.

38. After consideration of the School Report, together with the K-8 school being closed since 1987, enrollment in religious education classes declining, the Church of the Little Flower concluded that the Hamilton Avenue School Campus was in need of redevelopment (although not as defined in the Redevelopment Law). All of these factors resulted in the Church realizing that the future use of the building and grounds would become conducive to unwholesome living and working conditions. The Church continues to have a need and plans to continue offering religious education classes, but the recommendations for rehabilitation, estimated at nearly \$3.5M are cost prohibitive.

39. The Planning Consultant relied upon the School Report to provide evidence that the "generality of the buildings were substandard and obsolescent and in need of substantial repair in order to bring the buildings up to date and be conducive to wholesome living and working conditions" and that the Campus was an "area with buildings and improvements which, by reason of dilapidation, obsolescence, and an obsolete layout which were detrimental to the safety, health, morals and welfare of the community." The School Report is the basis for finding that this particular property met Criteria (a) and Criteria (d) of the Redevelopment Law.

40. The construction work performed by the Church after the release of the School Report has been limited to the removal of the asbestos in the school. Asbestos remains in the other parts of the buildings. No other significant building improve-

ments have been made and the Hamilton Avenue School Campus remains in the same condition.

**iii. Township Library (Block 1301, Lot 26)**

41. The Township Public Library is located on Block 1301, Lot 26, with frontage along the easterly right-of-way of Plainfield Avenue. The southern property boundary and the western property boundary of the Library property borders the Church of the Little Flower property which contains the Church proper. Lot 26 is a rectangular shaped lot with the exception of a small rectangular bump out along the northern property line. The Library is a pre-existing non-conforming structure constructed approximately 85 years ago. The Mt. Carmel Society built their first hall in 1925, which operated as the first Catholic Church within the Township until the Little Flower Church was completed in 1930. In 1952, the Society sold the hall to the Township and the Library was established in the building. After construction and additions to the building ten (10) years later, the Library tripled from its original size, and it was rededicated in 1966. While the interior has changed significantly since the time of its dedication, few exterior improvements occurred. The Library is located approximately 17 feet from the Plainfield Avenue right-of-way, where the front yard setback in the Open Lands Zone District is 100 feet. The Library is located approximately 10 feet from the side yard property line, where the side yard setback requirement is 40 feet. Therefore, the Library building is a pre-existing non-conforming structure in the OL Zone District.

42. Regarding the non-conforming variance conditions described above, "The first point that must be made in a discussion of the nature of variances, and which must be kept in mind throughout any discourse on any aspect of variances, is that variances are disfavored because the zoning ordinances, from which the proposal requiring a variance seeks to diverge, presumptively further the purposes of zoning embodied in the [Municipal Land Use Law]. Every variance, therefore, must to some limited extent at least presumptively create some detriment to the public interest as defined by the ordinance."<sup>1</sup>

43. Article 3.1.1 of the Use Regulations of the Township Ordinances states that "No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to or enlarged, or rebuilt nor shall any land be designed,

<sup>1</sup> Cox & Koenig, New Jersey Zoning and Land Use Administration (Gann 2012) Chapter 28, Nature of Variances.

used or intended to be used for any purpose other than those included among the uses listed as permitted in the applicable zone except as may be specifically permitted in Part 8 of this Ordinance. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner except in conformity to the yard, lot area, building location, building to building dimensions, percentage of lot coverage, off-street parking space, shared parking provisions, and such other regulations designated in the Schedule of General Regulations and other provisions of this Ordinance for the zone in which such building or space is located."

44. The Library entrance feeds into a parking lot with angular parking along the northern edge of the building and a standard parking lot in the back of the Library. In order to exit the parking lot, vehicles must continue to drive around the rear of the Library, and exit along a driveway that is common with the parking lot of the Church of the Little Flower, then proceed back to the Plainfield Avenue right-of-way. The current driveway and parking circulation operates in conjunction with the Church of the Little Flower. If the properties were separated and forced to operate individually, then the only driveway providing egress onto Plainfield Avenue would be either eliminated or undersized and nonconforming, creating a hazard to the public using the Library.

45. In 2013, the Township retained GRA Architects and Arcari + Iovino Architects PC to evaluate the eighty year-old building and to develop a "Study of the Township Library" ("Library Report"). The deficiencies in the Library building are divided into four categories, (1) Barrier Free/ADA Items, (2) Safety/Security Items, (3) Energy Items and (4) General/Functional Items.

46. The Library Report found deficiencies in Barrier Free and ADA items that includes the main entrance parking space being positioned distant from the entrance along a slope; the main entrance ramp into building appearing too steep; no vertical accessibility (elevator) within the building; door knobs where they should be replaced with levers; and all doors not currently conforming to a minimum of 36 inches wide. Safety and security items for the Library range from: having three main entrances - which are difficult to monitor; the meeting room and storage area are out of staff view and accessed from children's area; there is asbestos in the attic piping and in the floor tiles in the meeting room; and the rear exterior stairs are in need of repair and upgrade. The Library Study shows that the

building lacks energy efficiency because of: single-pane non-insulated windows; malfunctioning air conditioning system; a need for HVAC upgrades throughout the entire building; need for installation of more power and data outlets; and electrical wiring, devices, and switches in the meeting room area need to be upgraded. Other general and functional items identified in the Library Study include the observations that: the 2-story layout is inefficient for the staff; the meeting room has low ceilings; a loud HVAC system, and columns that interrupt the layout and useable space; water infiltration at the side entrance;...and the occurrences of sewage back-ups in the children's area old bathrooms, which occurred last time during Hurricane Irene.

47. In summary, the Library Study identifies ADA standards that are not to code, safety and security issues, design flaws that allow for inefficiencies in energy-use, layout, water and sewage problems, and an overall outdated design of the Library. Additionally, there are inefficiencies in the parking lot with oddly designed entrance and exit route for visitors.

48. The construction work necessary to upgrade the Library to code is extensive and cost prohibitive. Through a detailed analysis in the Library Study, it was the opinion of the architects that it is more economical for the Township to construct a new library as part of the overall redevelopment of Municipal Complex at Park Avenue, instead of investing money into an outdated, substandard, and obsolete 85 year-old deficient building. The Library Study is evidence that the Library can be reasonably determined to be an "[a]rea with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors" can be concluded are detrimental to the safety, health, morals and welfare of the community and satisfy Criteria (d) of the Redevelopment Law. Additionally, the list of deficiencies in the Library building as noted in the Library Study is evidence satisfying Criteria (a) of the Redevelopment Law, "[t]he generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."



**D. Summary of Study Area Neighborhood**

49. As stated, the Study Area is located in two different sections of the Township. The Snyder Avenue properties are located along Snyder Avenue and end right before Snyder Avenue becomes Bridge Avenue in the Township of Chatham in Morris County across the Passaic River. The Snyder Avenue properties are nestled between a largely residential area and the Sewage Treatment Plant. Running south of the Snyder Avenue properties is Springfield Avenue where many of the Township's local businesses reside. The Snyder Avenue properties are located in both the Open Land (OL) Zone and the Residential Single Family (R-15) Zone. Block 208, Lot 40 is located in the Open Land (OL) Zone, while Block 208 Lots 38 and 39 are located in the Residential Single Family (R-15) Zone.

50. Located between the two sections of the Study Area is the Berkeley Heights Train Station along Springfield Avenue. The Snyder Avenue properties are 0.7 miles from the station, while the Library is 0.4 miles away and the Hamilton Avenue School Campus is about 0.6 miles away, placing all portions of the Study Area in close proximity to public transportation.

51. The Library and the Hamilton Avenue School Campus are both located in the Open Land (OL) Zone. The Township Library is located in the southern section of the Study Area, along Plainfield Avenue, while the Hamilton Avenue School Campus is located along Roosevelt and Hamilton Avenues. To the west are residential zones. Surrounding and between the lots are large, wooded areas. To the southeast of the Hamilton Avenue School Campus is the Township Fire Department and to the north are several local businesses located along Industrial Road and Snyder Avenue, which are within the Light Industrial (LI) Zone.

52. Several zone districts exist around the Study Area. Surrounding the Snyder Avenue properties are two Residential Single Family Zones (R-10 and R-15), and one Attached Housing Zone (AH-5). Surrounding the Library and the Hamilton Avenue School Campus are the Light Industrial (LI) Zone to the north, an Attached Housing (AH-3) Zone to the east, and the Residential Single Family (R-15) Zone to the south and west. The AH-3 Zone contains an inclusionary development of multi-family affordable housing units known as the Whispering Way Condominiums.

**E. Public Hearing**

53. The hearing was opened to the public for both comment and cross-examination of the Planning Consultant.

54. Thomas Foregger asked whether any Planning Board Members had a conflict and presented Exhibits PB-6, PB-7, PB-8 and PB-9 and questioned whether Richard Niceforo had a conflict.

55. That evidence was reviewed by the Planning Board Attorney with Mr. Foregger, and after a recess in the public hearing, the Board Attorney advised that after consulting with the Planning Board Chair and Mr. Niceforo, that while the Board Attorney did not believe that Mr. Niceforo had a conflict of interest, Mr. Niceforo, out of an abundance of caution, decided to recuse himself from hearing the matter and Mr. Niceforo stepped down.

56. Mr. Foregger questioned the Planning Consultant regarding the criteria and whether each element of each criteria was met as to each property in the Study Area.

57. Mr. Foregger asked whether the Planning Consultant could properly rely upon the School Report and the Library Report because each was not prepared by the Planning Consultant. The Board Attorney ruled that the Planning Consultant could rely upon these Studies, because as the Planning Consultant testified, these are facts or data "of a type reasonably relied upon by experts in the particular field in forming opinions." See N.J.R.E. 703.

58. Carol Matula asked whether Robert Bocchino had a conflict because he is a Township employee. The Planning Board Attorney found that the Municipal Land Use Law specifically requires that a "Class II - one of the officials of the municipality other than a member of the governing body, to be appointed by the mayor", N.J.S.A. 40:55D-23, must be a member of the planning board, and that because the Legislature contemplated municipal employees serving on the planning board, that a conflict did not exist.

59. Ms. Matula also questioned the Planning Consultant regarding the criteria and whether each element of each criteria was met as to each property in the Study Area.

60. Edward Delia questioned whether the redevelopment was appropriate for the Study Area.

61. William Machado explained that he believed that the criteria had been met for each property in the Study Area, advising that on a recent visit to the Library that he almost fell as a result of the condition of the interior of the Library.

62. Charles Pratt questioned whether the redevelopment designation placed the Township in jeopardy of a Mount Laurel suit.

63. There were no further public questions or comments and no professional planning testimony presented by the public.

**F. Criteria for Redevelopment Area Determination**

A delineated study area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided N.J.S.A. 40A:12A-6, the governing body of the municipality by resolution concludes that any of the following conditions are found within the study area:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and

sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise bring detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Additionally, N.J.S.A. 40A:12A-3 provides that a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

#### **G. Evaluation of the Study Area**

64. The substantial and uncontroverted evidence presented allows the Planning Board to conclude that each of the parcels satisfies each of the following criteria of the Redevelopment Law:

| <u>Summary of Redevelopment Criteria</u> |          |     |     |     |     |         |
|------------------------------------------|----------|-----|-----|-----|-----|---------|
| Parcel                                   | Criteria |     |     |     |     | Section |
|                                          | (a)      | (c) | (d) | (e) | (h) |         |
| <b>Block 208</b>                         |          |     |     |     |     |         |
| Lot 38                                   |          | ✓   |     |     | ✓   | ✓       |
| Lot 39                                   |          | ✓   |     | ✓   | ✓   |         |
| Lot 40                                   |          | ✓   |     | ✓   | ✓   |         |
| <b>Block 1301</b>                        |          |     |     |     |     |         |
| Lot 19                                   | ✓        |     | ✓   |     | ✓   |         |
| Lot 26                                   | ✓        |     | ✓   |     | ✓   |         |

65. The entire Study Area is located within the Metropolitan Planning Area PA1 as depicted on the New Jersey State Development and Redevelopment Plan. "In the Metropolitan Planning Area, the State Plan's intention is to provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl; protect the character of existing stable communities."

## CONCLUSIONS OF LAW

### H. Conclusions

**WHEREAS**, the Board found the Planning Consultant's Study and testimony credible establishing criteria by substantial evidence and found that the public questions and comments did not erode the Planning Consultant's testimony or conclusions; and

**WHEREAS**, the Board found that it could rely on the Study prepared by the Planning Consultant because of the Consultant's extensive experience with the Township, including the Consultant's preparation of the 2007 "Township of Berkeley Heights Master Plan"; and

**WHEREAS**, the testimony presented by the Planning Consultant was the only expert testimony received by the Board and the Board fully accepts the Planning Consultant's testimony; and

**WHEREAS**, the Board being fully familiar with the Study Area found that each property within the Study Area meets each of the criteria identified in Paragraph 64 of this Resolution for an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, all of the Study Area is mapped within the Metropolitan Planning Area PA 1 as depicted on the New Jersey State Development and Redevelopment Plan. In the Metropolitan Planning Area PA 1, the State Plan's intention is to provide for much of the State's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl, and protect the character of existing stable communities; and

**WHEREAS**, the Board found that the Study Area meets criterion (h) because the Study Area is within Metropolitan Planning Area PA 1, includes a train station and is within the Downtown Business Districts; and

**WHEREAS**, the Board then entertained a motion to recommend that the Study Area be designated as an area in need of non-condemnation redevelopment; the motion was seconded and the Board voted to make such recommendation to the Council of the Township of Berkeley Heights, and to adopt a memorializing Resolution,

which this Resolution is intended to fulfill.

**I. Recommendation**

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berkeley Heights Planning Board, in Union County, New Jersey as follows:

1. Recommendation - Area in Need of Non-Condensation Redevelopment. After consideration of the Study, the testimony and presentation of the Planning Consultant, the questions, comments and testimony of the public, the Board concludes that each property within the Study Area meets each of the criteria identified in Paragraph 64 of this Resolution; and, therefore, the Board hereby recommends to the Council of the Township of Berkeley Heights that the following parcels be designated as an area in need of non-condensation redevelopment: Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40.

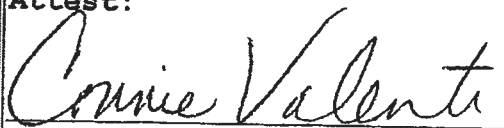
2. The Study, and the findings of fact and conclusions contained therein, is hereby incorporated by reference.

3. The Board Secretary is hereby directed to transmit a copy of the Study and this Resolution to the Council of the Township of Berkeley Heights.

4. This Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED**, that this Resolution, adopted this 30<sup>th</sup> day of September, 2015, memorializes the action taken by the Board at its September 16, 2015 meeting.

**Attest:**



Connie Valenti  
Planning Board Secretary  
Township of Berkeley Heights

Date Approved: September 16, 2015

Date Memorialized: September 30, 2015

VOTE ON DECISION  
(7-0)

Yes  
Yes  
Yes  
Yes  
Yes  
Yes  
Yes

BOARD MEMBER

Michael Einbinder  
Craig Johnson  
Daniel Monaco  
Rick Beal  
Robert Bocchino  
Lawrence Cunningham, Alt.#1  
Elaine Perna, Alt.#2

VOTE ON RESOLUTION  
(5 - 0)

Yes  
(Absent)  
Yes  
Yes  
Yes  
Yes  
(Absent)



**PLANNING BOARD  
TOWNSHIP OF BERKELEY HEIGHTS**

**RESOLUTION**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL"), authorizes municipalities to determine whether certain parcel(s) of land situated within the municipality constitute an area in need of redevelopment; and

**WHEREAS**, pursuant to the LRHL, no parcel(s) of land shall be declared an area in need of redevelopment without the municipality having first authorized its planning board, by way of resolution, to undertake a preliminary investigation to determine whether the subject parcel(s) meet the statutory criteria of an area in need of redevelopment as defined in the LRHL; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights ("Township Council"), by way of Resolution No. 99-2015, adopted on April 21, 2015, authorized the Township of Berkeley Heights Planning Board ("Board") to undertake a preliminary investigation of the area consisting of Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33+(-) acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"), and the property owned by the Little Flower Church, identified as Block 1301, Lot 19, consisting of approximately 15.6+(-) acres, located along Hamilton Avenue, and all or a portion of Township owned properties located along Snyder Avenue, identified as Block 208, Lot 38, Lot 39 and Lot 40, consisting of approximately 12.176+(-) acres, or any part thereof, as identified on the Official Tax Map of the Township of Berkeley Heights, (collectively the "Study Area"), to determine if the Study Area meets the criteria set forth in the LRHL and should be designated as an area in need of redevelopment except that any redevelopment area determination shall not authorize the Township of Berkeley Heights to exercise the power of condemnation or eminent domain to acquire any property in the delineated area; and

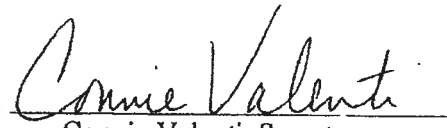
**WHEREAS**, on May 6, 2015, the Board considered, upon referral from the Township Council, Resolution No. 99-2015 and voted to authorize Harbor Consultants to prepare a map of the Study Area, including a statement setting forth the basis for the investigation, the preparation of a map of the Study Area, and to perform a preliminary investigation of the Study Area to determine whether the Study Area is an area in need of non-condemnation redevelopment pursuant to the LRHL; and

**WHEREAS**, the Board took action to authorize Harbor Consultants to prepare a map of the Study Area, including a statement setting forth the basis for the investigation, the preparation of a map of the Study Area, and to perform a preliminary investigation of the Study Area to determine whether the Study Area is an area in need of non-condemnation redevelopment pursuant to the LRHL at the meeting on May 6, 2015 and this Resolution constitutes a memorialization of that action.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Township of Berkeley Heights on this 6th day of May, 2015, hereby memorializes by this Resolution the action taken by the Board on May 6, 2015 authorizing Harbor Consultants, Inc., to prepare a map of the Study Area, a statement setting forth the basis for the investigation and conduct a preliminary investigation of the Study Area to determine whether the Study Area meets the criteria set forth in the LRHL and should be designated as an area in need of non-condemnation redevelopment.

**BE AND THE SAME IS HEREBY AUTHORIZED BY THE BOARD**

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Planning Board of the Township of Berkeley Heights on May 6, 2015.

  
Connie Valenti, Secretary

Motion to Approve: Mr. Einbinder

Second: Mayor Woodruff

Ayes: Mr. Einbinder, Mr. Johnson, Mayor Woodruff, Mr. Niceforo,  
Mr. Beal, Mr. Bocchino, and Mr. Cunningham

Nayes: None

Abstentions: None

Absences: Mr. Monaco, Mr. Graziano, Mr. Pirone, and Ms. Perna

Agenda Item No.: 2

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, in connection with the Township of Berkeley Heights investigation of a potential land transaction with the Little Flower Church for the relocation of the Township's municipal complex and public library, the Township finds it appropriate to commence the process to determine if the Township owned property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Library Property"), and the property owned by the Little Flower Church, identified as Block 1301, Lot 19, consisting of approximately 15.6± acres, located along Hamilton Avenue, and all or a portion of Township owned properties located along Snyder Avenue, identified as Block 208, Lot 38, Lot 39 and Lot 40, consisting of approximately 12.176 +/- acres, (collectively the "Study Area"), are in need of redevelopment, and to develop a redevelopment plan for same; and

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, pursuant to P.L. 2003, Chapter 159, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a 'Non-Condensation Redevelopment Area') or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a 'Condensation Redevelopment Area'); and

**WHEREAS**, the Township Council of the Township of Berkeley Heights finds it to be in the best interest of the Township and its residents to authorize the Township Planning Board to undertake such preliminary investigation of the Study Area as a Non-Condensation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, in the County of Union, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Harbor Consultants, Inc., pursuant to the notice, hearing and other requirements of the Local Redevelopment and Housing

Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended, in order to recommend to the Township Council whether the properties identified as Block 1301, Lots 19, and 26 and all of a portion of Block 208, Lots 38, 39, 40, in the Township of Berkeley Heights, or any portion thereof, are areas in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

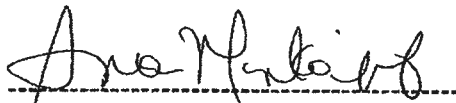
**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L.2013, c.159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also know as a "Non-Condernnation Redevelopment Area."

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Township Planning Board.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 21<sup>st</sup> day of April, 2015.

**ATTEST:**



Ana Minkoff  
Township Clerk

| ROLL CALL      | AYE | NAY | ABSTAIN | ABSENT |
|----------------|-----|-----|---------|--------|
| DELIA          |     | ✓   |         |        |
| FAECHER        | ✓   |     |         |        |
| HALL           | ✓   |     |         |        |
| KINGSLEY       | ✓   |     |         |        |
| PASTORE        | ✓   |     |         |        |
| PIRONE         | ✓   |     |         |        |
|                |     |     |         |        |
| TIE:           |     |     |         |        |
| MAYOR WOODRUFF |     |     |         |        |

211-2015

Agenda Item No.: 7

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located with the municipality constitute areas in need of non-condemnation redevelopment; and

**WHEREAS**, the Township Council (the "Council") of the Township of Berkeley Heights (the "Township"), by way of a Resolution No. 99-2015, authorized and directed the Berkeley Heights Planning Board (the "Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the properties identified as Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40, as shown on the Tax Map of the Township (the "Study Area"), constitute an area in need of non-condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Study Area consists of all or a portion of five (5) parcels of land in the Township: Block 208, Lots 38, 39 and 40 (the "Snyder Avenue properties"); Block 1301, Lot 19 (the "Hamilton Avenue School Campus"); Block 1301, Lot 26 (the "Township Library"), with the Snyder Avenue properties and the Township Library being owed by the Township; and

**WHEREAS**, on May 6, 2015, the Planning Board authorized Michael J. Mistretta, P.P., of Harbor Consultants, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area (the "Study"); and

**WHEREAS**, the Planning Consultant prepared a Study dated August 2015 (the "Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Board, having provided the requisite notices and all jurisdictional requirements of the Redevelopment Law having been met, conducted public hearing on September 16, 2015, whereat the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study and the Report to the Planning Board; and

**WHEREAS**, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board heard testimony and evidence from members of the general public, who also were given an opportunity to cross-examine the Planning Consultant and address questions to the Planning Board concerning the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5 as follows:

|                    |   |                               |
|--------------------|---|-------------------------------|
| Block 208, Lot 38  | - | Criteria (c), (h) & Section 3 |
| Block 208, Lot 39  | - | Criteria (c), (e) & (h)       |
| Block 208, Lot 40  | - | Criteria (c), (e) & (h)       |
| Block 1301, Lot 19 | - | Criteria (a), (d) & (h)       |
| Block 1301, Lot 26 | - | Criteria (a), (d) & (h);      |

and that the Study Area as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Board did not receive any written comments or objections to the Study or Report prior to the close of the public hearing on September 16, 2015; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5, that the public questions and comments did not erode the Planning Consultant's testimony or conclusions, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

**WHEREAS**, by a vote of 7 to 0, the Planning Board unanimously voted to recommend that the Township Council of the Township of Berkeley Heights find that the Study Area be designated a an area in need of non-condemnation redevelopment meeting criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5 as set forth by the Planning Consultant; and

**WHEREAS**, on September 30, 2015, the Planning Board adopted a Resolution memorializing the public hearing and decision on September 16, 2015; and

**WHEREAS**, the Planning Board submitted the memorializing Resolution, along with a copy of the Report and all exhibits presented at the public hearing to the Township Clerk for distribution to the Mayor and Township Council for consideration thereof; and

**WHEREAS**, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Council agrees with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for redevelopment area designation, and the Township Council finds that such conclusion is supported by substantial evidence; and

**WHEREAS**, the Township Council further agrees with the recommendation of the Planning Board that the Study Area, collectively, be designated as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

**WHEREAS**, the Township Council now desires to designate the Study Area, collectively, as an area in need of non-condemnation redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Township Council further desires to authorize and direct the Township Planner to work with the Township Council to prepare a redevelopment plan for the Study Area and present same to the entire Township Council pursuant to N.J.S.A. 40A:12A-7f.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, in the County of Union, and State of New Jersey, as follows:

1. The aforementioned recitals, including the Study, Report and exhibits presented at the September 16, 2015 public hearing before the Planning Board are incorporated herein as though fully set forth at length.

2. The Township Council hereby designates the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

|                    |   |                               |
|--------------------|---|-------------------------------|
| Block 208, Lot 38  | - | Criteria (c), (h) & Section 3 |
| Block 208, Lot 39  | - | Criteria (c), (e) & (h)       |
| Block 208, Lot 40  | - | Criteria (c), (e) & (h)       |
| Block 1301, Lot 19 | - | Criteria (a), (d) & (h)       |
| Block 1301, Lot 26 | - | Criteria (a), (d) & (h);      |

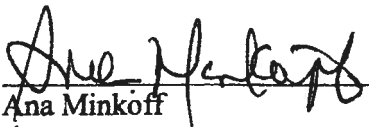
3. The Township Planner is hereby directed to work with the Township Council to prepare a redevelopment plan for the Study Area (to be hereinafter referred to as the Redevelopment Area), and present same to the entire Township Council pursuant to N.J.S.A. 40A:12A-7f.

4. The Clerk of the Township shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review and approval by regular and certified mail (return receipt requested).

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 6th day of October, 2015.

**ATTEST:**

  
Ana Minkoff  
Township Clerk

| ROLL CALL      | AYE | NAY | ABSTAIN | ABSENT |
|----------------|-----|-----|---------|--------|
| DELIA          |     | ✓   |         |        |
| FAECHER        | ✓   |     |         |        |
| HALL           |     |     |         | ✓      |
| KINGSLEY       |     |     | ✓       |        |
| PASTORE        | ✓   |     |         |        |
| PIRONE         | ✓   |     |         |        |
| TIE:           |     |     |         |        |
| MAYOR WOODRUFF |     |     |         |        |



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
101 SOUTH BROAD STREET  
PO Box 800  
TRENTON, NJ 08625-0800  
(609) 292-6420

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

November 4, 2015

Honorable Bob Woodruff  
Mayor  
Township of Berkeley Heights  
29 Park Avenue  
Berkeley Heights, New Jersey 07922

Dear Mayor Woodruff:

We are in receipt of Ana Minkoff's letter of October 7, 2015 and Resolution 211-2015 designating the identified properties as an Area in Need of Redevelopment (non-condemnation).

The State Development and Redevelopment Plan (2001) designates these properties as situated within the Metropolitan Planning Area (PA1). PA1, PA2 and Designated Centers are areas where the SDRP encourages development and redevelopment. In accordance with N.J.S.A. 40A:12A-6.b.(5)(c), the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation.

The Township or redeveloper may also find the New Jersey Business Action Center (866) 534-7789, located in the Department of State, helpful in identifying other sources of State financing that might be available to facilitate the redevelopment of these properties.

This designation is a tribute to the work Berkeley Heights has done. Please feel free to contact James Requa, Director, Special Projects at (609) 984-3981 if you need further assistance.

Sincerely,

Charles A. Richman  
Commissioner

cc: Gerard Scharfenberger, N.J. Business Action Center  
Ana Minkoff, Township of Berkeley Heights

**RECEIVED**

**NOV 09 2015**

**TWP. CLERK**





